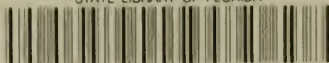


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Acts of the Legislative
Council of the Territory of
Florida

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ACTS
OF THE
LEGISLATIVE COUNCIL,
OF THE
Territory of Florida,

PASSED AT ITS SIXTEENTH SESSION,
COMMENCING MONDAY JANUARY 1ST, AND ENDING
SUNDAY FEBRUARY 11TH, 1838.

WITH ALSO
THE RESOLUTIONS
OF A
PUBLIC OR GENERAL CHARACTER
ADOPTED BY THE
LEGISLATIVE COUNCIL.

By Authority.

TALLAHASSEE:
S. S. SIBLEY, PRINTER.

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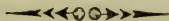


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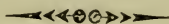
- No. 1. An act to fix the county site of Madison county.
2. An act to amend an act entitled, An act to incorporate the Methodist Episcopal Church in St. Augustine, approved 13th January, 1835.
3. An act to authorise James T. Pattison, to build a bridge over the Oscilla river.
4. An act to establish a Ferry over the Santa Fe river.
5. An act in addition to the several acts now in force in this Territory in relation to roads and highways.
6. An act for the taking of a Census of Florida.
7. An act further to amend an act to incorporate the Lafayette Salt Company of Key West, approved 12th November, 1829.
8. An act to organise the county of Calhoun, and for other purposes.
9. An act amendatory to the several acts incorporating the city of St. Joseph.
10. An act to amend an act entitled, An act to incorporate the Bank of Jacksonville, approved, February 14th, 1835.
11. An act to amend an act to regulate the foreclosure of mortgages.
12. An act to establish the County Site of Hamilton county, and to repeal an act to make permanent the county Site of Hamilton county, passed 15th January, 1836.
13. An act to change the times of holding the County Court of St. Johns county, and for other purposes.
14. An act to revive and continue in force, an act establishing a Ferry over St. Johns river, at Jacksonville.
15. An act providing for the safe keeping of the Records of the county of Musquito, and for other purposes.
16. An act to call a Convention for the purpose of organizing a State Government.
17. An act to authorise Limited Partnerships.
18. An act to amend an act entitled, "An act to incorporate the City of Apalachicola."
19. An act concerning Corporations.
20. An act for the relief of Robert C. Lester.
21. An act to incorporate the Florida Peninsula Rail Road and Steamboat Company.
22. An act to incorporate "The Southern Joint Stock Company, for the establishment of certain manufactories and other works, and the encouragement of labor in Florida."
23. An act to amend an act concerning Dower.
24. An act in addition to an act (approved January 30th, 1835,) entitled, An act to prevent any person in this Territory, from carrying arms secretly.
25. An act to authorise John Bryan to establish a Ferry across Holmes' Creek.
26. An act to amend the several acts now in force, concerning Executions.
27. An act to amend the several acts regulating County Courts in this Territory.
28. An act to charter and incorporate the Trustees of the St. Andrews College in West Florida.
29. An act to change the time of holding the County Court of Jackson county.
30. An act for the relief of Micajah Dean.

31. An act to incorporate the Tropical Plant Company of Florida.
32. An act for the relief of George W. Somaryndick.
33. An act to change the corporate name and style of the Pond Creek and Black Water River Canal Company, and for other purposes.
34. An act to legalize certain proceedings in the Superior Courts of East Florida.
35. An act to establish and regulate Pilots and Pilotage, at St. Johns Bar, in the Territory of Florida.
36. An act to authorise Douglass Vass and others, proprietors of the Mineral Spring in Columbia county, to build a bridge across the Suwannee river at said Spring.
37. An act authorising John Bellame to render the Oscilla river navigable.
38. An act supplemental to the several acts incorporating the Bank of Pensacola.
39. An act for the relief of the Florida Troops, during the Indian war.
40. An act to incorporate the Alachua Land Company.
41. An act to amend an act to incorporate the Farmers Bank of Florida.
42. An act to authorise Abram Milstead to build and establish a Toll Bridge across the Big Escambia, in Escambia county.
43. An act to amend the act to incorporate the Roman Catholic Congregation of the City of Pensacola.
44. An act to incorporate the Protestant Episcopal Church in the Diocese of Florida.
45. An act further to amend the charter of the Southern Life Insurance and Trust Company.
46. An act to repeal an act concerning Jurors in the Southern District.
47. An act to authorise the St. Andrews and Chipola Canal and Rail Road Company, to establish the books of Record of the Company, and all other papers lost by said Company by fire.
48. An act to carry into effect a general system of Education in the Territory of Florida, by the educating of Schoolmasters.
49. An act for the compensation of the Members and officers of the Legislative Council.
50. An act to authorise the Trustees of Jefferson Academy, to rent the School Lands within the county of Jefferson, and for other purposes.
51. An act to provide for the erection of a Court House and Jail in the counties of Franklin and Calhoun.
52. An act to incorporate the Florida Steam Packet Association.
53. An act to repeal an act to incorporate the Stockholders of the Union Bank of Florida, so far as it relates to the establishment of a branch in Marianna.
54. An act to incorporate the Dade Institute of Florida.
55. An act to authorise Augustus Pongand and Francis Gue, the Attorneys of F. J. Avice, to sell and convey certain property in lands, for the benefit of the children of said Francis J. Avice.
56. An act to suppress the issuing or circulation of Change Bills, and for other purposes.
57. An act for the relief of J. J. Sands.
58. An act to incorporate the City of Key West.
59. An act to amend an act incorporating the East and South Florida Canal Company.
60. An act to incorporate the Pensacola City Company.
61. An act to amend an act entitled, An act to incorporate the Southern College at St. Augustine, approved February 11th, 1837.

ACTS
OF THE
LEGISLATIVE COUNCIL
OF THE
TERRITORY OF FLORIDA.



RICHARD K. CALL, Governor of Florida.
JOHN P. DUVAL, Secretary.
THOMAS BROWN, President of the Council.
J. S. ROBINSON, Chief Clerk.



No. 1—AN ACT to fix the County site of Madison County.

Section 1. Be it enacted by the Governor and Legislative Commissioners of the Territory of Florida, That on the first Monday in March next, an election shall be held in the County of Madison for five Commissioners, to be governed by the same rules and regulations as are provided by law for the election of members of the Legislative Council, whose duty it shall be to locate a seat of justice for the said County. Commissioners to be elected.
Duties.

Sec. 2. Be it further enacted, That the place selected by the Commissioners aforesaid, or a majority of them, shall be the permanent seat of justice of said County.

Sec. 3. Be it further enacted, That upon the said Commissioners agreeing upon a site and reporting the same to the County Court, it shall be the duty of the said County Court, to appoint Commissioners to contract for the building of a Court House at said place; and the said Court, in order to raise a fund sufficient for the same, shall have power to impose and collect taxes, from time to time, as the Court may deem necessary to complete the building aforesaid. County court to raise money by tax.

Sec. 4. Be it further enacted, That after the Court House is received by the Commissioners aforesaid, it shall be the duty of the judges of the Superior and County Courts to hold their respective Courts for Madison County at said Court House. Courts to be held, &c.

Sec. 5. Be it further enacted, That all laws heretofore passed providing for a seat of justice for said County, be, and are hereby repealed. Repealing clause.

Passed 11th Jan. 1838.—Approved 26th January, 1838.

No. 2.—AN ACT to amend an act, entitled an act to incorporate the Methodist Episcopal Church in St. Augustine, approved January 13th, 1835.

Quorum.

Powers of Trustees:

Notice of trustees to be advertized:

Be it enacted by the Governor and Legislative Council of the Territory of Florida, That any three of the Trustees of the Methodist Episcopal Church in the City of St. Augustine, called "Bethel Church," shall be a quorum to do and transact all or any business therefor, when duly convened for that purpose, and that any three of the said Trustees, when duly convened for the purpose aforesaid, shall have full power and authority to sell, convey, dispose of, and transfer all manner of property, either real or personal, belonging to said Church, and to make, execute, and deliver, any bill of sale or deed of conveyance therefor, which shall be as good and valid to all intents and purposes, as though all of the Trustees of said Church were present at such sale, or transfer, and joined in the making, execution, and delivery of such bill or bills of sale, or deed or deeds of conveyance—Provided, however, that it shall be the duty of the Trustees of said Church, or some one of them, to cause a notice of any intended meeting of the said Trustees, for the purpose aforesaid, to be published at least three weeks successively next preceding the time of such intended meeting, in some public newspaper in the county wherein such meeting is intended to be held, or in which some of the said Trustees shall reside, stating in such notice the time and place where it is intended to hold said meeting, and when any real estate belonging to said Church is to be offered for sale, or otherwise disposed of at such meeting, that object shall also be distinctly stated in such advertisement, and the real estate intended to be sold and conveyed, at such meeting, shall also be fully and particularly described in said notice.

Passed January 9, 1838.—Approved January 15, 1838.

No. 3.—AN ACT to authorize James T. Pattison to build a bridge over the Oscilla River.

Bridge where to be located:

To keep in repair:

Section 1. Be it enacted by the Governor and Legislative Council of the Territory of Florida, That James T. Pattison be, and he is hereby, vested with the right and power to build a bridge over the Oscilla River, below the junction of the two rivers, on or near section twenty-eight, township one, range six, north and east; Provided, the said James T. Pattison, his heirs, or assigns, do keep the same in good repair (unavoidable accidents excepted) for the safe crossing of such vehicles as

travel the road; and shall be allowed to receive the prices of toll allowed by law to be received, which the County Court of Madison County may direct; Provided nevertheless, that nothing in this act, shall be so construed as to authorize said Pattison to obstruct the free passage of vessels or boats in going up or down said river. Toll rates:
Obstruction.

Sec. 2. Be it further enacted, That it shall not be lawful for any other person or persons to establish a bridge or keep a ferry, within five miles of the bridge by this act provided for, unless the same shall be for his, her, or their own exclusive use, and not for the purpose of receiving tolls. No other br'dg
to be built.

Sec. 3. Be it further enacted, That the privileges heretofore granted to the said Pattison, do continue for the space of twenty years. Time.

Passed Jan. 18, 1838.—Approved 26th January, 1838.

No 4—AN ACT to establish a Ferry over the Santa Fe River.

Be it enacted by the Governor and Legislative Council of the Territory of Florida, That Edmund Reid be, and he is hereby vested with the right and power of establishing a Ferry and charged with the duty of keeping the same in repair, across the Santa Fe River at Fort White; and the said Edmund Reid shall continue in the enjoyment of the right of said Ferry, for and during the term of fifteen years; Provided that the said Reid shall so long keep the said Ferry in good repair. Privilege granted.

Sec. 2. Be it further enacted, That it shall be unlawful for any other person or persons to establish or keep a ferry within five miles of said ferry on the River Santa Fe; except it be for his or their own use, and not for gathering toll. No other br'dg
to be built:

Sec. 3. And be it further enacted, That it shall be the duty of the said Edmund Reid, his heirs and assigns, to keep at all times, a good and sufficient flat, or other craft, of sufficient size to cross a wagon and team; and that he shall receive such toll as may be fixed from time to time by the County Court of Alachua, and be subject to the order of said Court, or any future Legislative Council of this Territory. Duties prescribed:
Toll.

Passed 18th Jan. 1838.—Approved 26th January 1838.

No. 5.—AN ACT in addition to the several acts now in force in this Territory in relation to Roads and Highways.

Duty of city clerks. Section 1. Be it enacted by the Governor and Legislative Council of the Territory of Florida, That it shall be the duty of the clerks of the County Courts, within ten days after sessions of the courts held in each county in the spring, to make out and hand over to the sheriffs of their respective counties, a complete list of the names of the commissioners of roads.

Duty of sheriffs. Sec. 2. Be it further enacted, That it shall be the duty of the sheriffs, within ten days after receiving such lists to give notice to each and every commissioner of their respective counties of their appointment.

Penalty for neglect of duty Sec. 3. Be it further enacted, That for every notice so given, the sheriff shall receive fifty cents and the mileage allowed by law, to be paid out of the county funds, and for neglect to perform the duty herein required, shall be liable to a fine not exceeding fifty dollars, to be recovered in any court having competent jurisdiction. The fine to be paid into the county Treasury.

Passed Jan. 22, 1838.—Approved 26th January 1838.

No. 6.—AN ACT for the taking of a Census of Florida.

Governor to appoint persons to take the census. Be it enacted by the Governor and Legislative Council of the Territory of Florida, That the Governor is hereby authorized and directed, immediately after the final passage of this act, to appoint any number of persons he may think expedient, in the several counties of this Territory, whose duty it shall be, on or before the first day of April next, to take a Census of the inhabitants, including and setting forth the number of white persons, slaves, and free persons of colour, in their respective counties; and the persons so appointed, before entering on the duties contemplated by this act, shall make oath before a Judge or Justice of the peace, faithfully, diligently, and truly to take the Census in their respective limits; and the said persons thus appointed, are authorized to appoint one or more deputies, who shall also be sworn to a like performance of their duties, and it is hereby required that certified returns of the Census, as taken shall be made to the Governor and Secretary of the Territory, on or before the first day of May next, and a certified copy thereof be filed in the County Court Clerks office of the County where the Census is taken.

Oath to be made.

Deputies may be appointed.

Returns when and where made.

Section. 2. Be it further enacted, That the persons in each

county whose returns of the Census shall be received at the Executive Office on or before the first day of May next, shall receive as compensation for the duties herein required, five cents per head on each inhabitant in their respective limits. Compensation

Sec. 3. Be it further enacted, That the Treasurer of the Territory is hereby authorized and directed to pay to the several persons appointed under this act, the amount due to each for the services rendered as herein required, upon the certificate of the Governor that the services have been performed. Treasurer to pay on certificate of Governor

Passed 22d Jan. 1838.—Approved 26th January 1838.

No. 7. AN ACT further to amend An Act, to incorporate the Lafayette Salt Company of Key West, Approved the 12th of November, 1829.

Section. 1. Be it enacted, by the Governor and Legislative Council of the Territory of Florida, That from and after the passage of this act, the stated annual meetings of said company for the purposes of electing directors, and all other general meetings of the same, shall be held in the City of Key West. Meetings where held:

Sec. 2. Be it further enacted, That hereafter the affairs and business of said company shall be managed by three directors instead of five, as is provided for in the act to which this is an amendment, one of which said directors to be the President, and a majority to be at all times a quorum for the transaction of business. Directors Quorum.

Passed Jan. 23, 1838.—Approved 26th January, 1838.

No. 8. AN ACT to organize the County of Calhoun, and for other purposes.

Section 1. Be it enacted by the Governor and Legislative Council of the Territory of Florida, That the district of country included within the following boundaries, to wit, beginning at the base line on the western bank of the Apalachicola River, running thence with said line to the Chipola River, thence down said river to the northern boundary of Township five, thence west with said line to the Wetappo, thence down the same to the eastern arm of St. Andrews Bay, and along the southern shore of said bay to the entrance or bar thereof, thence with the main shore following its meanderings and embracing the opposite Islands, to the point where Forbes line shall reach the Gulf, thence with said line till it crosses the waters of the Boundaries

Apalachicola River, thence up said river to the place of beginning, shall constitute a county to be called the county of Calhoun.

Time of elec-
tion for county
officers Sec. 2. Be it further enacted, That the inhabitants of said county be, and they are hereby authorized on the fourth Monday in February next, and at the usual day thereafter, to elect such county officers, as by law are directed in the several counties of this Territory, in the same manner, and subject to the same duties, provisions, and responsibilities.

District Sec. 3. Be it further enacted, That the said county of Calhoun, shall be, and is hereby declared to be, in the limits of the western judicial district.

County courts
when and
where held Sec. 4. Be it further enacted, That a county court for said county shall be holden in the City of St. Joseph, semi annually, in each and every year, the first term to be held on the third Monday of April, and the second term on the third Monday of November, and regularly thereafter.

Superior co't
when held Sec. 5. Be it further enacted, That the Judge of the Superior Court of the Western District, shall be, and he is hereby required to hold in said county, two terms of the Superior Court in each and every year, The first term to be holden on the first Monday after the fourth Monday in March, and the other term on the third Monday after the fourth Monday of November.

Jurisdiction
over suits pen-
ding Sec. 6. Be it further enacted, That all suits, pending in the superior or county courts of Franklin county, against any person, persons, or corporations, residing in, or incorporated in the said county of Calhoun, together with all proper originals, or copies of papers or documents, whether criminal or civil, shall within thirty days, after notice to that effect from the clerks of the superior and county courts of said county of Calhoun, be delivered over to them respectively, and the said suits, prosecutions, or causes, shall stand upon the dockets in the courts of Calhoun county, as of the term to which they properly belonged, in the county of Franklin, and the clerks, marshals, or other officers of Franklin county, shall not be authorized to have or demand any fees until the said causes thus removed shall be decided in the county of Calhoun.

Monies equal-
ly divided Sec. 7. Be it further enacted, That all monies remaining in the county Treasury, of the county of Franklin, after the passage of this act, shall be equally divided between the counties of Franklin and Calhoun, provided, that all debts heretofore contracted by the county of Franklin, for county purposes, shall be first liquidated and paid.

Sec. 8. Be it further enacted, That the county court of Franklin county shall be held at Apalachicola on the second Monday

of April, and the second Monday in November, in each and every year.

Sec. 9. Be it further enacted, That the county seat of Calhoun county, shall be fixed at the City of St. Joseph, and that the act passed at the session of 1836, establishing the seat of Justice for Franklin County at St. Joseph, be, and the same is hereby repealed. County seat of Calhoun

Sec. 10. Be it further enacted, That this act shall take effect from and after its passage.

Passed Jan. 25th, 1838.—Approved 26th January 1838.

No. 9. AN ACT amendatory to the several acts incorporating the city of St. Joseph.

Section 1. Be it enacted by the Governor and Legislative Council of the Territory of Florida, That an act entitled an act to amend the incorporation of the city of St. Joseph, approved twelfth February, 1837, be, and the same is hereby repealed; Parts of law repealed and that so much of the sixth section of "an act to incorporate the city of St. Joseph," approved February tenth, 1836, as vests in the Mayor of said city the duties and powers of a justice of the peace, or which cloathes him with civil jurisdiction in the collection of debts, be and the same is hereby, repealed.

Sec. 2. Be it further enacted, That the government of said city shall be vested in a mayor and eight aldermen, a majority of whom shall form a quorum for the transaction of business. Government

Sec. 3. Be it further enacted, That all laws inconsistent with the provisions of this act, be, and are hereby repealed.

Passed Jan. 25th, 1838.—Approved 30th January 1838.

No. 10. AN ACT to amend an act entitled an act to incorporate the Bank of Jacksonville, approved February the 14th, 1835.

Section 1. Be it enacted by the Governor and Legislative Council of the Territory of Florida, That the Directors of the Bank of Jacksonville, be, and they are hereby authorized, whenever they shall deem it expedient, to increase the capital stock of said bank to one hundred thousand dollars; and the directors of said bank be, and they are hereby authorized to receive subscriptions for the increase of stock at the banking house of said corporation, or at such places, and at such times, and in such manner, as they, or a majority of them may direct. Capital may be increased
New subscription received

Resident's only
to be directors

Sec. 2. Be it further enacted, That no person but a stockholder, citizen of the United States, or of this Territory, and a resident of this Territory, shall be a director of said Bank.

Am't of bills
issued

Sec. 3. Be it further enacted, That the president and directors shall not be authorized at any time, to issue a greater amount of bills than twice the amount of capital stock actually paid in.

Notes to be re-
deemed in spe-
cie

Interest &c

Sec. 4. Be it further enacted, That the notes of the bank shall be redeemable at the banking house, during banking hours, on demand, in gold or silver, and that the said corporation shall never refuse, or suspend, such payment on lawful demand being made; the bearer of any such bill, note or obligation, shall be entitled to recover interest at the rate of ten per centum per annum until they shall make payment, or tender payment thereof with interest as aforesaid.

Repealing
clause.

Sec. 5. Be it further enacted, That so much of the act to which this is an amendment as is inconsistent with this act, and an act to amend an act entitled an act to incorporate the bank of Jacksonville, approved the 12th of February 1837, be, and the same are hereby repealed.

Passed Jan. 26th, 1838.—Approved 30th January 1838.

No. 11. AN ACT to amend an act to regulate the Foreclosure of Mortgages:

What consid-
ered as mort-
gages

Section 1. Be it enacted by the Governor and Legislative Council of the Territory of Florida, That all deeds of conveyance, bills of sale, or other instruments of writing, conveying or selling property, either real, personal or mixed, for the purpose, or with the intention of securing the payment of money, whether such deed, bill of sale, or other instrument, be from the debtor to the creditor, or from the debtor to some third person or persons in trust for the creditor, shall be deemed and held as mortgages, and shall be subject to the same rules of foreclosure, to the same regulations and restrictions as now are, or may hereafter be prescribed by law, in relation to mortgages.

How foreclos-
ed

Sec. 2. Be it further enacted, That in every case where the sum secured shall be less than one hundred dollars, the mortgage or other security for the payment of money, as described in the foregoing section, shall be foreclosed by petition to the County Court, under such restrictions as are prescribed for foreclosure before the Superior Court.

Passed Jan. 26th, 1838.—Approved 30th January 1838.

12. AN ACT to establish the County Site of Hamilton county, and to repeal An Act to make permanent the county Site of Hamilton county, passed 15th January, 1836.

Section 1. Be it enacted by the Governor and Legislative Council of the Territory of Florida, That it shall be the duty of the Judge of the county court of Hamilton County, to order an election in the several Justices Districts of said county, on the 17th of March next, for a commissioner for each district, whose duty it shall be to convene at such time and place as the Judge of the county court shall direct, within thirty days thereafter, and proceed to elect the most eligible situation for the county site of said county.

Election for commissioners when held.

Sec. 2. Be it further enacted, That the said commissioners shall be authorized to contract for two acres of land, at such place as they may select, for said county site, and proceed forthwith to make return thereof to the Judge of the county court.

Comm'rs. to contract for county site.

Sec. 3. Be it further enacted, That it shall be the duty of the Judge of the county court of said county, at the sitting of the next county court of said county thereafter, to lay the report of said commissioners before the Justices of the peace when sitting for county purposes, and if a majority of them shall approve of the selection so made by said commissioners, they shall make proclamation of said report of the commissioners, and of their approval thereof, in one or more places in the county, and the court shall proceed to erect public buildings in such manner as is prescribed by law, after having secured the land by fee simple title, agreeable to contract made by said commissioners, and the place selected and purchased according to the provisions of this act shall be the permanent county site, of said county.

To make report.

Justices to approve report.

Court to erect buildings.

Sec. 4. Be it further enacted, That "An Act to make permanent the county site of Hamilton county, passed 15th day of January, 1836, be, and the same is hereby, repealed.

Act repealed

Sec. 5. Be it further enacted, That after the county site shall have been selected and a Court House built, according to the provisions of this act, the superior court for said county shall be held at said place.

Courts where to be held.

Passed January 23d 1838.—Approved 3d Feb. 1838.

Ne: 13: AN ACT to change the times of holding the County Court of St Johns county, and other purposes.

Sec. 1. Be it enacted by the Governor and Legislative Council of the Territory of Florida, That the terms of the county courts of St. Johns county, shall commence on the last Monday

Terms of court

When held in February, and on the first Monday in June and September annually hereafter.

Judge to ap-
point officers
to serve process
Sec. 2. Be it further enacted, That the Judge of said court shall have power to appoint some suitable person to serve process returnable thereto, and to attend and keep order therein, whenever it shall be necessary to prevent a suspension of the business of said court, or a failure of justice therein, and in no other case, and the power of the person so appointed shall cease and determine, whenever the cause which produced it is at an end.

Passed January 29th 1838—Approved 2d February, 1838.

No. 14. AN ACT to revive and continue in force An act establishing a ferry over St. Johns River, at Jacksonville.

Act revived
Section 1. Be it enacted by the Governor and Legislative Council of the Territory of Florida, That an act entitled, "An act establishing a Ferry over St. Johns river, at Jacksonville," approved December the 29th 1824, be, and the same is hereby revived and continued in force until the year one thousand eight hundred and forty-five.

Passed January 30th, 1838.—Approved 2nd Feb. 1838.

No. 15: AN ACT providing for the safe keeping of the Records of the county of Musquito, and for other purposes.

Preamble
WHEREAS, the continuance of Indian hostilities render it impossible for the records of the county of Musquito to be safely kept in said county, and whereas, it is important to the people of said county, that some person should be legally required to keep the same safely, and to record conveyances and other instruments, effecting the titles to property in said county.

Clerk of St
Johns to keep
records
Section 1. Be it therefore enacted by the Governor and Legislative Council of the Territory of Florida, That from and after the passage of this act, until the County Court of Musquito county, shall otherwise order and direct, the clerk of St. Johns county, for the time being, shall be also the clerk of Musquito county, and exercise all the powers and duties, and be entitled to all the fees and emoluments of the same; and all conveyances, judgments, and instruments of any nature whatever, recorded by him, shall have as full force and effect, as if the same were recorded in the county of Musquito: Provided, that

before entering upon the duties of the office hereby conferred, he shall take an oath faithfully to perform the duties of the same, before the Judge of the Superior Court for the Eastern District, and shall likewise execute a bond, payable to the Territory of Florida, in the penalty of two thousand dollars, with good and sufficient security, to be approved by the said Judge of the Superior Court, conditioned for the correct and faithful performance of the duties of his office, to be recorded in the office of said clerk, and the office of the clerk of the Superior Court for St. Johns and Musquito.

Shall give
bond

To be approved
by District
Judge

Sec. 2. Be it further enacted, That it shall be the duty of said clerk, to keep all the records and papers of said county of Musquito, in separate books and apart from those of the county of St. Johns, and to deliver all of the same up to such person as the County Court of Musquito shall hereafter direct.

Records shall
be kept separ-
ate

Passed 30th January, 1838.—Approved 2d Feb. 1838.

No. 16. AN ACT to call a Convention for the purpose of organising a State Government.

Section 1. Be it enacted by the Governor and Legislative Council of the Territory of Florida, That an election shall be held in the several counties of this Territory, on the second Monday of October next, under the regulations and restrictions hereinafter imposed, for members of a convention to devise and adopt the most efficient, speedy, and proper measures for the formation and establishment of an independent State Government for the people of Florida, and to form and adopt a bill of rights and constitution for the same, and all needful measures preparatory to the admission of Florida into the national confederacy.

Election when
held

Sec. 2. Be it further enacted, That the apportionment of members to the said convention, shall be as follows: in the Middle District the county of Leon, shall be entitled to eight members; the county of Gadsden to four members; the county of Jefferson to four members; the county of Madison to two members; the county of Hamilton to two members. In the Eastern District, the county of St. Johns shall be entitled to four members; the county of Duval to three members; the county of Columbia to three members; the county of Alachua to three members; the county of Nassau to two members; the county of Musquito to one member, and the county of Hillsborough to one member: In the Southern District, the county of Monroe shall

Apportionm't
of members

be entitled to two members; the county of Dade to one member. In the Western District, the county of Jackson shall be entitled to four members; the county of Escambia to four members; the county of Walton to two members; the county of Washington to two members; the county of Franklin to two members, and the county of Calhoun to two members.

Sec. 3. Be it further enacted, That it shall be the duty of the Judges or clerks of the county court of the several counties, to advertise said election at least thirty days before the second Monday in October next, and to appoint inspectors thereof, who shall be sworn to conduct said election in the manner and form as prescribed for members to the Legislative Council, not contrary to the provisions of this act, and the inspectors so appointed, shall seal up and transmit the returns of said election, within ten days thereafter to the Governor of the Territory, at Tallahassee, to be laid before the convention, and that they shall within thirty days file with the clerks of their respective counties, a copy thereof.

Sec. 4. Be it further enacted, That the Governor of the Territory shall announce by proclamation the names of the persons elected to said convention, and in case the returns from any county shall not be completed by that day, as soon thereafter as practicable, and in case of a tie, a new election is to be ordered by the Judges or clerks of the county court giving five days notice thereof, under qualified inspectors appointed for said special election.

Sec. 5. Be it further enacted, That said convention shall be held on the first Monday of December next at the City of St. Joseph.

Sec. 6. Be it further enacted, That two thirds of said convention shall be necessary to constitute a quorum, and that the said convention shall determine upon the returns and qualifications of its members, and shall have and exercise all the rights, privileges, and immunities, incident to such bodies, and may adopt such rules and regulations for its government as a majority thereof may direct, and provided two thirds of said convention do not assemble on the day appointed therefor, a less number is authorized to adjourn from day to day.

Sec. 7. Be it further enacted, That in case of the death, resignation, or non attendance of any delegate chosen from any district of the Territory, that the delegation present from such district thus partially represented, shall be entitled to elect from their own number a proxy to vote in the place of such absent member.

Sec. 8. Be it further enacted, That all white male inhabitants, citizens of the United States, above the age of twenty one years, who have resided in the Territory of Florida for the space of six months immediately preceding the day of election, shall be entitled to vote for delegates to said convention, and all white male inhabitants, citizens of the United States, above the age of twenty one years, who have resided in the Territory of Florida for the space of twelve months immediately preceding the day of election, shall be eligible as delegates to said body.

Qualification of voters.

Delegates.

Sec. 9. Be it further enacted, That on the adoption of a constitution for the State of Florida, the convention shall transmit an authenticated copy thereof to the President of the United States, to the presiding officers of both Houses of Congress, and to the Delegate from Florida, and adopt such other measures as will secure to the people of Florida the rights and privileges of a sovereign state.

Constitution to be forwarded to Washington.

Sec. 10. Be it further enacted, That the members of the convention shall receive as compensation the same rates as *there* [are] allowed to members of the Legislative Council, and that the expenses of the convention shall be paid out of the Territorial Treasury if no appropriation be made by Congress for that purpose.

Compensation of members.

Sec. 11. Be it further enacted, That if at the time of giving notice of said election, or of holding the same, it shall be inconvenient on account of Indian hostilities or other cause, to hold an election in any county, the county Judge or clerk, as the case may be, shall order said election to be held at the most convenient place in an adjoining county, and all persons who have been residents of such county for the space of three months at one time, or who are at the time of election proprietors of legal or equitable titles to lands in said county, shall have the right to vote at said election.

In case of Indian hostilities.

Passed 30th January, 1838.—Approved 2d, Feb. 1838.

No. 17. AN ACT to authorise Limited Partnerships.

Section 1. Be it enacted by the Governor and Legislative Council of the Territory of Florida, That limited partnerships for the transaction of any commercial, mercantile, mechanical, manufacturing, or agricultural business whatever, and the transportation of persons, produce, or merchandize, within this Territory, may be formed by two or more persons upon the terms,

Limited partnerships may be formed.

C.

with the rights and powers, and subject to the conditions and liabilities herein prescribed; but the provisions of this act shall not be construed to authorise the the persons engaged in such partnership, to use it for the purposes of banking or insurance.

For what purposes.

Sec. 2. Be it further enacted, That such partnerships may consist of one or more persons, who shall be called general partners, and who shall be jointly and severally responsible, as general partners now are by law; and of one or more persons who shall constitute a specific sum as capital to the common stock, who shall be called special partners, and who shall not be liable for debts of the partnership, beyond the funds contributed by him or them to the capital.

How responsible.

Sec. 3. Be it further enacted, That the general partners only, shall be authorised to transact the business of the concern, and sign for the partnership to bind the same.

Who may transact business.

Sec. 4. Be it further enacted, That persons desirous of forming such partnerships, shall make and severally sign articles of co-partnership, which shall contain,

1st. The name of the firm under which such partnership is to be conducted.

Articles to be signed.

2d. The general nature of the business intended to be transacted.

3d. The names of the general and special partners inserted therein, distinguishing which are general, and which are special, and their respective places of residence.

4th. The amount of capital which each partner shall have contributed to the common stock.

5th. The period at which the partnership is to commence, and the period at which it is to terminate.

How executed.

Sec. 5. Be it further enacted, That the articles of copartnership before mentioned, shall be executed in the presence of two subscribing witnesses, and the same shall be proved in the same manner as conveyances of land are now required by law to be proved.

Articles of association to be filed in clerk's office.

Sec. 6. Be it further enacted, That the articles of co-partnership so proved, shall be filed in the office of the clerk of the County Court of the county in which the principal place of business of the partnership shall be situated, and shall also be recorded by him, at large, in a book, to be kept for that purpose, open to public inspection. If the partnership shall have places of business situated in different counties, a transcript of the articles of co-partnership, and of the probate thereof, duly certified by the clerk, in whose office it shall be filed, under his official seal, shall be filed and recorded in like manner in the office of the clerk of the County court in every such county.

Sec. 7. Be it further enacted, That at the time of filing the original articles of co-partnership with the evidence of the execution thereof, as before directed, an affidavit of one or more of the general partners, shall also be filed in the same office, stating that the amount in cash, or its equivalent, specified in the articles of copartnership, have been contributed by each of the special partners.

Affidavit made
etc.

Sec. 8. Be it further enacted, That when property constitutes a part of the stock, it shall be appraised by three fit and discreet persons duly appointed and sworn by the judge of the county court, unless he be a party, in which case the sheriff of the county shall make the appointment, and administer the oath. The appraisement thus made, shall be accompanied by a certificate of the appraisers, under seal, which certificate shall be filed and recorded in the office of the clerk of the county court, with the original or renewed articles of co-partnership.

Property of firm
to be appraised.

Sec. 9. Be it further enacted, That no partnership shall be deemed to have been formed until such limited articles of co-partnership as herein mentioned shall have been made, proved, filed, and recorded, nor until an affidavit shall have been filed, as above directed in the several cases; and if any false statement be made in such articles of co-partnership, or affidavit, all the persons interested in such partnership shall be liable for all the engagements thereof as general partners and the person or persons so making a false affidavit shall be liable for the pains and penalties of perjury.

Limitation of
partners.

Sec. 10. Be it further enacted, That the partners shall publish the terms of the partnership, when registered, for at least six weeks immediately after such registry, in one newspaper in the county in which the principal place of business is situated; if no newspaper be published in such county the publication shall be made in the nearest newspaper, and if such publication be not made, the partnership shall be deemed general.

Public notice
must be given.

Sec. 11. Be it further enacted, that any renewal or continuance of such partnership beyond the time originally fixed for its duration, shall be proven and recorded, and an affidavit of a general partner be made and filed, and notice given in manner as required for its original formation, and every such partnership which shall be otherwise renewed, or continued, shall be deemed a general partnership.

Partnership how
renewed.

Sec. 12. Be it further enacted, That every alteration which shall be made,

What shall be
considered a dis-

- 1st. In the nature of the business,
- 2d. In the names of the partners, or names of the firm,
- 3d. In the articles of co-partnerships,

solution of partnership.

4th. In a reduction of the original capital, shall be deemed a dissolution of the partnership, and any continuation of the business thereafter shall be regarded as a general partnership, unless renewed as special partnership, according to the provisions of the last section, Provided, such alteration was made with the privity or consent of the special partner or partners.

Business how conducted.

Sec. 13. Be it further enacted, That the business of the partnership shall be conducted under a firm, in which the names of the general partners only shall be inserted, without the additional term "company," or any other general term, and if the name of any special partner shall be used in such firm with his privity, he shall be deemed a general partner.

Suits how instituted.

Sec. 14. Be it further enacted, That suit in relation of the general partnership may be brought and conducted by and against the general partner or partners, in the same manner as if there were no special partners, and it shall be optional with the parties to include in such suit any special partner, or partners, who may have become general partners, by not having complied with the provisions of this act.

Dividends how made.

Sec. 15. Be it further enacted, That no part of the sum which any special partner shall have contributed to the common stock shall be withdrawn by him, or paid, or transferred to him in the way of dividends, profits, or otherwise, at any time during the continuance of the partnership; but any partner may annually receive lawful interest on the sum so contributed by him, if the payment of such interest shall not reduce the original capital, and if after the payment of such interest any profits shall remain to be divided, he may also receive his portion of such profits.

Original capital to remain.

Sec. 16. Be it further enacted, That if it shall appear that by the payment of interest, or dividends to any special partner, the original capital has been reduced, the partner receiving the sum shall be bound to restore the amount necessary to make good his share of the original stock, or he shall be considered a general partner from the period when it became so reduced.

Books open to inspection.

Sec. 17. Be it further enacted, That a special partner may at any time examine into the state of the partnership concerns, and may advise as to their management, but he shall not transact any business on account of the partnership, unless employed as an agent under a power of attorney; if contrary to these provisions he shall interfere in the management he shall be deemed a general partner.

Sec. 18. Be it further enacted, That any partner, general or special, shall be liable to account to any or all, the other partner or partners, either for the management of the business, or

for indebtedness thereto, by suits at law, or in equity, as other partners now are.

Sec. 19. Be it further enacted, That every partner who shall be guilty of any fraud in the affairs or business of the partnership, shall be liable civilly to the party injured to the extent of his damage, and shall also be liable to indictment for a misdemeanor, punishable by fine and imprisonment, or either, at the discretion of the superior court, by which he shall be tried. Fraud how punished.

Sec. 20. Be it further enacted, That every sale, assignment, or transfer of any of the property or effects of such partnership, or of any general partner, and every judgment confessed, lien created, or security of any rendered or given by such partnership, or any of the general partners, when such partnership or general partner is insolvent, or in contemplation of the insolvency of either of said general partners, or the partnership, with the intent to give any creditor of such, of general partner, or of the partnership, a preference over other creditors, shall be void as against the creditors of the partnership. Preferred credit-
or not allowed.

Sec. 21. Be it further enacted, That every special partner, who shall violate the provisions of the last preceding section, or who shall concur in, or assent to, any such violation by the partnership, or by any individual partner, shall be liable as a general partner.

Sec. 22. Be it further enacted, That in case of the insolvency or bankruptcy of the partnership, no special partner shall under any circumstances, be allowed to claim as a creditor, until the claims of all the other creditors of the partnership shall be satisfied. Claim how settled.

Sec. 23. Be it further enacted, That no dissolution of such partnership, by the acts of the parties, shall take place previous to the time specified, either in the original or renewed partnership, until a notice of such intended dissolution shall have been filed and recorded in the clerks office in which such original or renewed articles of co-partnership were recorded, and until it shall have been published at least once a week for four weeks in a newspaper printed in each of the counties where the business of the partnership is or has been transacted; but if no newspaper be printed in such counties, the notice shall be published for four weeks in any newspaper nearest thereto, which notice shall be signed by all the parties, or their representatives. Dissolution of
partnership how
effected.

Sec. 24. Be it further enacted, That a partnership organized under, or by virtue of this act, for a limited term, shall not be dissolved by the death of one or more of the special partners, before the expiration of the term specified for the continu-

Decease of part-
ners.

ance of said partnership, nor by the death of one of the general partners, if there be more than one, unless the articles of co-partnership, by which such partnership is created or renewed, shall otherwise provide.

Sec. 25. Be it further enacted, That this law shall only apply to limited partnerships, and not to general partnerships now in existence, or which may hereafter be formed.

Passed 30th January, 1838.—Approved 2d Feb. 1838.

No. 18. AN ACT to amend an act entitled, "An act to incorporate the city of Apalachicola."

Boundary of the
corporation.

Section 1. Be it enacted by the Governor and Legislative Council of the Territory of Florida, That all the free white inhabitants, who are citizens of the United States, and over the age of twenty-one years, residing within the circumference of one and a half miles from the centre of Washington Square, in the city of Apalachicola, and county of Franklin, in the Territory of Florida, and their successors, be, and they shall forever remain from the passage of this act, body corporate, by the name and style of the City of Apalachicola, and by that name may sue and be sued, plead and be impleaded, may have and use a common seal, and do all other acts as natural persons, and may purchase and hold real, personal, and mixed property, and dispose of the same for the benefit of said corporation.

Government.

Powers.

Sec. 2. Be it further enacted, That the government of said city shall be vested in a Mayor and Council, to consist of a Mayor and eight Councilmen, who shall have full power and authority to pass all such by-laws and ordinances, as may be necessary for the due regulation and proper government of said city, not repugnant to the laws of this Territory, or of the United States; and for the regulation of the police thereof; they shall have power to abate and remove nuisances, to license and regulate retailers of goods and spirituous liquors, taverns, theatrical, and other public amusements; to prohibit gaming, to establish and regulate burial grounds, for the use of the said city, to sink wells, and erect and repair pumps in the streets or public squares, to erect and repair market houses, and public scales, to regulate, erect and keep wharves, to appoint wharfingers and harbor masters, and prescribe their duties; to appoint and regulate pilots and pilotage within the port or harbor, until otherwise provided by law; to regulate the anchorage, quarantine, and mooring of vessels, and provide for the preservation of

the health of the people of said city; to establish and regulate patrols, to regulate the storing of gunpowder, to tax and license pedlars and hawkers, to restrain and prohibit tipling and disorderly houses, and lotteries; to establish schools, to build school houses, and superintend the same, to organise fire companies, to purchase fire engines, and build engines houses, to improve the public squares and streets, and do all other matters and things which the necessities and welfare of the said city may require. And for this purpose they shall have power to levy taxes on persons and property, real, personal and mixed, residing and being within said corporation, in the manner hereinafter described; they shall have power to make contracts, which shall be binding on said corporation; to borrow money when sanctioned by the Mayor and two-thirds of the council, and contract debts; to buy and to sell, and in the name, and on the behalf of said corporation; they shall have power to judge of the election returns of the mayor and of his qualifications, and of the election returns and qualifications of the members of their own body, and may expel a member on a vote of two-thirds of their whole number, for disorderly behaviour or misconduct in office; they may compel the attendance of members when the public weal requires it; and they shall have power to impose such fines and penalties for violations of their ordinance, or for non-compliance therewith, as to them shall seem necessary to give effect and operation to the powers here bestowed, and to a faithful discharge of the duties here required.

Powers of incorporation.

Taxes.

May borrow money.

Fines and penalties.

Sec. 3. Be it further enacted, That all taxes imposed under the authority of the preceding section shall be so distributed as to bear with all possible equality upon the persons and property of all classes of the people, in a manner the least burthensome to their interests.

Taxes to be equally assessed.

Sec. 4. Be it further enacted, That all ordinances and rules passed by the mayor and council aforesaid, under the powers herein granted, shall be signed by the mayor, and attested by the clerk, and published without unnecessary delay, by inserting the same in some public newspaper printed within the said city, or posting at the court house, common market house, or some other public place in said city, at least for the space of two weeks; and no ordinance shall be considered in force until such publication; they shall cause to be kept, a regular record of their proceedings, which shall be open for public inspection, and upon which the yeas and nays on all questions shall be recorded, at the request of any two members.

Ordinances to be published.

Records to be kept.

Sec. 5. Be it further enacted, That annually at the first meeting of said mayor and council, or so soon thereafter as may

Officers to be
elected.

be deemed proper, they shall elect a city treasurer, clerk, marshal, and such other city officers as may be deemed necessary to give effect to the powers and regulations of, and facilitate a discharge of their duties, required by this act: the said mayor and council shall prescribe their duties, fix their salaries, and may the same dismiss at pleasure.

Meetings of council.

Sec. 6. Be it further enacted, That it shall be the duty of the said mayor and council to hold their meetings in public, (except when in their opinion the public good may otherwise require) at stated periods, and at such places as may be designated for that purpose. The mayor shall be president of the board, and in his absence from the city or disability, a majority of the council may appoint from among their own body a mayor, who shall have power pro tempore to do all the duties prescribed by this act, of the mayor, and shall have the same compensation that the mayor would have had for the same services.

Duty of Mayor.

Sec. 7. Be it further enacted, That the mayor shall preside at the meetings of the council, which he may convene as often as in his opinion the public good may require; he shall see to the due enforcement of all ordinances of the council, and for these purposes he is hereby authorized to call out the posse comitatus, within the said corporation, to aid the marshal in the execution of his duties, and the said mayor shall be entitled to receive such salary as the city council may direct, not to exceed one thousand dollars, to be paid quarterly by the treasurer out of the funds of said corporation.

Qualification for
Mayor.

Sec. 8. Be it further enacted, That no one shall be eligible for the office of Mayor or councilman unless he shall have arrived at the age of twenty-one years, be a citizen of the United States, a housekeeper, and have resided within the limits of the corporation at least one year last preceding his election.

Election held.

Sec. 9. Be it further enacted, That the first election, under this act, of mayor and councilmen, shall be held on the third Monday of February next, under the inspection of persons appointed for that purpose by the present intendant and councilmen of Apalachicola, who are hereby continued in office until their successors under this act, shall have been elected and qualified; and all subsequent elections of mayor and councilmen for the City of Apalachicola, shall be held annually on the first day of January, under the inspection of persons appointed for that purpose by the mayor and council.

Sec. 10. Be it further enacted, That within five days after his election, the mayor elect shall take an oath or affirmation, before any Judge or Justice of the peace of the Territory,

"that he will, to the best of his power, support, advance and defend the interest, peace and good order of the said city of Apalachicola, and faithfully and diligently discharge the duties of mayor of the said city, during his continuance in office, and that he will support the constitution of the United States." And he shall, within the aforesaid five days after the election, convene the council elect, and administer to each of them, an oath or affirmation similar to that taken by himself.

Sec. 11. Be it further enacted, That at least ten days previous to the first Monday in January in each year, the mayor and council shall appoint three judicious and discreet persons, and who shall not themselves be candidates, either for mayor or councilmen, any two of whom shall be competent to act, to be inspectors of the election of mayor and councilmen; and public notice of their appointment shall be given, by causing the same to be published in some newspaper printed within the city, or posted at some public place, and also of the time and place for holding such election; and such inspectors shall take an oath or solemn affirmation, that they will, to the best of their skill and ability, faithfully and impartially discharge all the duties of inspectors of the election of mayor and councilmen, and true return make; and they shall then proceed to take the ballots of such as are qualified to vote, and to cause the name of every voter to be taken down and recorded in a book to be kept for that purpose; and the poll shall be opened at nine o'clock, A. M., and close at six o'clock, P. M. when the ballots shall be told, and the name of the person having the greatest number of votes for mayor and councilmen shall be declared, and the name of the said mayor and councilmen elect shall be recorded, and notice of their election shall be given to each.

Sec. 12. Be it further enacted, That if by reason of the refusal, absence, or other unavoidable casualty, the mayor elect shall be prevented from performing the organizing duties by this act required, or by a failure of election from any cause, it shall, in such case, be the duty of the mayor in office, to cause a new election to be held by the same inspectors, who shall forthwith give at least one week's notice of the same, and hold another election for mayor, conformable to the regulations of this act.

Sec. 13. Be it further enacted, That the said mayor and council shall have power, and it is made their duty, to fill vacancies in their own body, by causing an election to be held in the same manner as is provided for in this act, from the citizens qualified to fill the same; and the said mayor and council, shall in all cases, continue their respective functions until their successors be elected and qualified into office.

Qualification of
voters.

Sec. 14. Be it further enacted, That every free white male inhabitant of the city of Apalachicola, of the age of twenty-one years and upwards, who is a citizen of the United States, and has resided twelve months next preceding the election, within the limits of the corporation, shall be qualified to vote for mayor and councilmen; and when the qualifications of any individual about offering a vote, are challenged, the inspectors may question him on oath, and if it appear that he does not possess the requisite qualifications, his vote shall be rejected.

Repealed.

Sec. 15. And be it further enacted, That all laws, and parts of laws, conflicting with the provisions of this act, be, and the same are hereby, repealed.

Passed Jan. 31st, 1838.—Approved 2nd Feb. 1838.

No. 19.—AN ACT concerning Corporations.

Repeal of, etc.

Be it enacted by the Governor and Legislative Council of the Territory of Florida, That so much of any act, or acts, of incorporation of any town or city in this Territory, which vests in the mayor or intendant thereof, the rights and duties of a justice of the peace, or clothes such mayor or intendant by virtue of his office, with jurisdiction for the collection of debts, be, and the same are hereby, repealed.

Passed February 2nd, 1838.—Approved 5th, Feb. 1838.

No. 20.—AN Act for the relief of Robert C. Lester.

Preamble.

WHEREAS, it has been satisfactorily shown to this Legislative Council, that Robert C. Lester stands charged in the Auditor's books of this Territory, with one hundred dollars for a license issued by him as Clerk of Gadsden County Court, on which license twenty dollars only should have been charged under the law as then published—

Claim rescinded.

Be it therefore enacted by the Governor and Legislative Council of the Territory of Florida, That the said Robert C. Lester be, and he is hereby, discharged from said claim, on payment of twenty dollars into the Territorial Treasury, and that the Auditor, on payment thereof, is hereby directed to balance said claim for one hundred dollars.

Passed 2nd February, 1838.—Approved 5th Feb., 1838.

No. 21. "AN ACT to incorporate the Florida Peninsula Rail Road and Steamboat Company."

Section 1. Be it enacted by the Governor and Legislative Council of the Territory of Florida, That Benjamin Chaires, Duncan L. Clinch, Lot Clark, Moses Levy, John Houston M'Intosh, Joseph M. White, William J. Mills, Thomas Douglas, Charles Downing, Jesse H. Willis, and Richard Fitzpatrick, and their associates, be, and they are hereby, appointed and created a body corporate and politic, by the name and style of the Florida Peninsula Rail Road and Steamboat Company, and by that name, they, their heirs, successors and assigns, shall have perpetual succession, and shall be capable in law to purchase, hold, receive, retain, and enjoy, to them, their heirs, successors and assigns, lands, tenements, goods and chattles of any kind or description whatsoever, necessary to carry on the business and concerns of said company, and the same to grant, mortgage, sell, and dispose of, in any manner whatsoever; they shall have power to sue and be sued, plead and be impleaded; to make and use a common seal, and the same to break, alter, and amend at their pleasure; and to ordain, establish, and put in execution, such by-laws and regulations, as may be deemed necessary and expedient by the president and directors of said company, for its government, not being contrary to the constitution of the United States and the laws of this Territory.

Incorporation.

Rights and privileges.

Sec. 2. Be it enacted, That the capital stock of this company shall be one million of dollars, divided into shares of one hundred dollars each, which shall be secured by the subscribers to the stock on real estate in this Territory, by mortgage or otherwise; and the president and directors may increase the stock to any amount necessary to carry on their concerns, with the consent of a majority of the stockholders, for which, they may cause subscriptions to be received, or they may sell the stock for the benefit of the company, not under its par value; and the president and directors, or a majority of them, are hereby invested with the power and privilege of borrowing money to use in the prosecution of the objects of this incorporation, and they may issue bonds, notes, certificates, or other evidences of the loans and concerns of said incorporation, and they may pledge, mortgage, or hypothecate, the property and interests of the company, both real and personal, for the payment of the same and interest; and, generally, they may adopt any acts which they shall deem necessary and expedient to carry on the business, and accomplish the objects of this incorporation.

Capital stock.

May be increased.

May borrow money.

Sec. 3. Be it enacted, That the said company shall have the right, and they are hereby fully invested with the power and privi-

Location of road lege of constructing a rail-road with one or more tracks from any point on the St. John's river, in East Florida, above the mouth of Black Creek, to the Suwannee river, which empties into the Gulf of Mexico, or to any point or place between the Suwannee river and Tampa Bay; and the said company may, for this purpose, use and exercise free and uninterrupted control, over any land or water within the course and vicinity of said rail-road, to be paid for in the manner hereinafter to be specified; and they may pursue such course and direction with said rail-road, as may be most conducive to the interest of the said company, and best adapted to the accomplishment of said work; and said company may connect itself with the East and South Florida Canal Company, at any point and in any manner which may be agreed upon by the president and directors of the two companies, after the same shall have been determined on by a majority of the stockholders of both companies.

May connect etc.

Rights and privileges upon property. Sec. 4. Be it enacted, That said company shall have the right and privilege to own steamboats, vessels and other boats, piers, docks, warehouses, locomotives, cars, and every other species of property, and for the storage, transportation and conveyance of passengers, goods, wares and merchandize, of any and every kind whatsoever; and they shall have the right to charge passage money, freight, storage, wharfage, and all other charges which may happen or accrue to, and upon, all passengers, goods, wares, merchandize, and other valuables or property, which may be shipped, transported, or carried in the steamboats, vessels, boats, locomotives, cars and other vehicles, or which may be belanded, or which may come or be brought into the wharves docks or piers, or which may be stored in the warehouses, or other buildings of the company; and the said company shall have the privilege, and the same is hereby granted to them, to insure against fire, perils of the sea, and all other risks, at such rate of premium, and under such stipulations as they may deem necessary and proper to establish, and said company shall have a lien upon all goods, wares merchandize, produce, baggage and other articles, which shall or may come, be transported, carried or stored, in the steamboats, vessels, boats, locomotives, cars or other vehicles, or in the warehouses and other buildings, for passage money, freight, storage, or other charges; and shall have the right to detain the same, and sell so much thereof at auction, as will satisfy the amount due said company, together with all costs and expenses on the same; and said company, or any person or persons, who may have received from them the right of transportation on said rail road, or in their steamboats, vessels, or boats of any description, of goods, wares, merchan-

May insure.

Lien upon goods

dize and produce, shall be deemed common carriers, as respects goods, wares, merchandize and produce, entrusted to them for transportation.

Sec. 5. Be it enacted, That books of subscription shall be opened at St. Augustine, under the inspection of Joseph S. Sanchez, John M. Fontane, A. W. Reed, John M. Hanson, Antonio Alvarez and Thomas Douglas, at Jacksonville, under the inspection of John L. Doggett, J. D. Hart, Wm. J. Mills, Samuel L. Burrett and Joseph B. Lancaster; at Tallahassee, under the inspection of John P. Duvall, John Parkhill, Hector W. Braden, Isam G. Searcy, Jesse H. Willis, and Robert H. Berry; at St. Joseph, under the inspection of E. W. Doubleday, N. Hayden, H. R. Wood, J. L. Cunningham, and Peter W. Gautier, Jr.; at Key West under the inspection of George E. Weaver, Oliver O. Hara, William H. Shaw, and Fielding A. Brown; at Mariana under the inspection of Allen Bush, Thomas M. White and James J. Pittman; at Pensacola, under the inspection of William B. Taylor, Henry Hyer, George W. Barkly, Henry Ahrens, and John Cambell, commissioners appointed and constituted by this act, any two of which, at the places designated, shall be competent to receive subscriptions for stock in said company. The books shall be opened the 1st of March, 1838, and closed on the first of June; and the commissioners at their several places shall forthwith forward a transcript from their books of subscription, certified on oath to the commissioners at St. Augustine, who shall make public advertisement in two or more newspapers in this Territory; that a meeting of the stockholders will be held there, in person or by proxy, on the day they may designate; and at such meeting the stockholders, in the manner and form aforesaid, shall elect a president and seven directors, all of whom shall be stockholders, who shall forthwith proceed to organize the company in such manner as may be most conducive to the interest and concerns thereof; and an annual election on the first Monday of January, in each and every year thereafter, shall be held for a president and seven directors, previous notice of which shall be given in one or more newspapers in this Territory, but if the election for president and directors shall not be held at the time herein specified, the company shall not be dissolved in consequence of it, but the election shall be held on some other day; and the president and directors first chosen shall hold their office until the election does take place, and their successors are sworn into office. The president and directors shall have power to appoint such officers and servants under them, as may be necessary to carry on the business and concerns of the company, prescribe their duties

Books where opened for subscription to stock.

Time of opening Books.

Shall give notice

Company how organized.

Agents to be appointed.

and dismiss them at pleasure; and the board of directors may fill all vacancies which may occur in it, during the period for which their board shall have been elected, and in the absence of the president, may fill his place, by electing a president *pro tempore*. The stock of the company shall be transferred only on their books, under such rules and regulations as shall be prescribed in the by-laws of the company, and all transfers otherwise made of the stock of this company shall be void and of no effect.

Stock how transferred.

Land to be possessed

Provided.

May use material on lands adjoining.

Writs how issued.

Adjudication.

Compensation of appraisers.

Sec. 6. Be it enacted, That for accomplishing the objects for which this Company is incorporated, it shall be lawful for the President and Directors thereof, or their agents, to enter upon and take possession of, one hundred feet of any land on each side adjoining said Rail Road, whether covered with water or otherwise, which may be necessary for the construction and completion of said Rail Road, or for the erection of any buildings or fixtures appertaining to the same, and they may take at any time from any land adjoining, or in the vicinity of said rail road, any timber, stone, or other material, for the construction or repairs of their rail road, buildings or other fixtures intended or implied by this act: Provided, That no land or material owned by any private individual shall be taken without adequate compensation being made for the same. And whenever it shall be necessary for the said Company to take possession of, and use any land, timber, stone or other material, and the parties do not agree upon the value thereof, it shall and may be lawful for the President and directors of said Company, or their authorized agent to apply to the Judge of the county court of the county, or to the Judge of the Superior Court of the district on which the said land, timber or other material is situated, for a writ of *ad quod damnum*, directed to the Marshal, Sheriff or other officer of the county, to summon, twelve freeholders of lawful age to value the property on oath, the same to be administered by the officer summoning them, and whose duty it shall be, to attend in person and receive their report, and also to receive from the President and Directory of said Company or their agent, the sum or sums of money adjudged by said report to be full compensation, for the property taken possession of, and applied to the use of said Company, and to pay over the sum to the person or persons entitled to receive it, and to take acquittance for the same; and all the expenses incurred in the writ of *ad quod damnum* shall be paid by the Company; and the appraisers shall receive three dollars per day, during the time they are engaged on such duty, and all property so valued and paid for by the said company, shall forever afterwards belong to, and be

the property in fee simple of the said company, their successors and assigns.

Sec. 7. Be it enacted, That the board of directors shall, once in every year, make a report on the state of the company and its affairs, to a general meeting of the stockholders, and they shall have power to call a general meeting of the stockholders, whenever the board may deem it expedient, and the company may provide in its by-laws, for the votes of the stockholders for directors, being taken at more than one place in the Territory, and also for taking their votes on any question, relative to the repeal, alteration, amendment, or addition to any of the rules, regulations or by-laws of the company proposed by the general board of directors.

Report of affairs
of company.

Sec. 8. Be it enacted, That if any person or persons, shall intrude upon the said rail road, or any part thereof, by any manner of use thereof, or of the rights and privileges connected therewith, without the permission, or contrary to the will of the said company, he, she or they shall forthwith forfeit to the said company, all the vehicles which may be intruded on the said road, and the same may be seized by the company or its agents, or recovered by suit at law, and the person or persons so intruding, may be also indicted for a misdemeanor, and upon conviction, fined and imprisoned by any court of competent jurisdiction, and if any person shall wilfully and maliciously destroy, or in any manner hurt, damage or obstruct, or shall wilfully and maliciously cause or aid or assist, or counsel and advise, any other person or persons, to destroy, or in any manner hurt, damage, injure, or obstruct the said rail road, or any part thereof, or any thing appertaining thereto, such person or persons, so offending, shall be liable to be indicted therefor, and on conviction, shall be fined not more than one thousand dollars, and imprisoned not more than twelve months, at the discretion of the court, before which such conviction shall take place, and shall be further liable to pay all the expenses of repairing the same; and it shall not be competent for any person so offending, against the provisions of this act, to defend himself by pleading or giving in evidence that he was the owner, agent, or servant of the owner of the land where such destruction, hurt, damage, injury or obstruction was done or caused, at the time the same was caused or done, and if from any such cause, doing or obstructing, as is heretofore mentioned, it should in any wise happen or take place, by reason as aforesaid, that any person be killed, wounded or maimed, in consequence thereof, the person or persons so obstructing said rail road, or causing, aiding or abetting the same to be done, shall, on conviction, suffer all the

Intruders how
punished.

Damage of road
how prosecuted.

Criminally liable

pains and penalties of the law, whether the same shall be murder or manslaughter, according to the finding of the jury before whom the same shall be tried; and every obstruction to the safe and free passage of vehicles on the said road, shall be deemed a public nuisance, and may be abated as such by any officer, agent or servant of the company, and in all prosecutions against persons under the provisions of this act, any officer, stockholder, servant or person employed by the company, (being a free white person, where a white person or persons shall be the offender or offenders,) shall be a competent witness.

Act liberally construed in court.

Sec. 9. Be it enacted, That this act shall be regarded as a public act, and shall be liberally construed in all the courts of law and equity, and shall be given in evidence in all cases without special pleading. And this charter shall continue in force for fifty years; and this road shall be commenced within four years, and completed within twelve years after the passage, or the same shall be forfeited to the Territory or State of Florida.

Rail Road may be made etc.

Sec. 10. Be it further enacted, That if the capital stock of the East and South Florida Canal Company, shall not be taken up, or if it shall be taken up, and the said company shall not, within ten years, make a canal to unite the waters of the St. Johns river, with the waters of the harbor of the city of St. Augustine, and if the said company shall refuse or fail to agree to unite with the Florida Peninsula Rail Road and Steamboat Company, so as to accomplish the object aforesaid, then and in that case it shall be lawful, and it is hereby made the duty of the last mentioned company, to open and make a canal or rail road to unite the waters of the St. Johns river as aforesaid, with the waters of the harbor of the said city of St. Augustine, and the powers and privileges of the said last mentioned company are hereby extended so far as may be necessary to meet that object.

Passed 5th February, 1838.—Approved 8th Feb. 1838.

No. 22.—AN ACT to incorporate "The Southern Joint Stock Company for the establishment of certain Manufactories, and other works, and the encouragement of labor in Florida."

Preamble.

WHEREAS, Benjamin Chaires, James D. Westcott, Jr. Charles S. Sibley, Samuel S. Sibley, Jos. Croskey, Thomas Brown, John Westcott, Jr. and others, by articles of association dated January 8th, 1838, recorded in the Clerk's Office of Leon County Court, have formed a company for the establishment of one or more manufactories and works in Flo-

rida, and other objects and purposes set forth in said articles, or such of the same as may be deemed expedient:

Section 1. Now, be it enacted by the Governor and Legislative Council of the Territory of Florida, and it is hereby enacted by the authority thereof, That said persons above named, and their associates in said articles named, and their successors and assigns, are hereby, for the objects and purposes aforesaid, in said articles set forth, constituted and declared to be and incorporated into a body corporate and politic, in fact and in law, by the name and style of "The Southern Joint Stock Company, for the establishment of certain manufactories and other works, and the encouragement of labor in Florida," and by that name they and their associates, successors and assigns, shall have continued succession, and shall be capable and liable, at law and in equity, to sue, and be sued, plead and be impleaded, of answering and being answered unto, defending and being defended against, in all courts and places whatsoever, and shall have power to make a common seal, and the same to alter at pleasure, and to make by-laws for the government of said company, not contrary to the laws of this Territory or of the United States, and by the name and style aforesaid, shall be capable of contracting and being contracted with, receiving, purchasing, holding, possessing, using, selling, granting and conveying, all kinds of property, real and personal, expedient and useful, to the full exercise and enjoyment of the objects of the said company, and of hypothecating, pledging or mortgaging, and generally to do and perform all acts and things as fully to all intents and purposes, as said persons composing said company could do individually without this act.

Corporate owners.

Name.

Privileges.

Sec. 2. Be it further enacted, That the capital stock of said company, shall be at least fifty thousand dollars, with the privilege of increasing it, as stipulated in said articles of association, and to an amount not exceeding two hundred and fifty thousand dollars, to be divided into shares of one hundred dollars each, and each of the subscribers to said articles, shall within ten days after the passage of this act, pay the sum of fifty cents per share, as provided in said articles, or forfeit all his right and interest in said company, to the other subscribers.

Capital Stock.

Payments.

Sec. 3. Be it further enacted, That the shares of the capital stock of said company shall be deemed personal property, and transferable in such manner as the company in its by-laws may direct.

Shares deemed personal property.

Sec. 4. Be it further enacted, That on or before the eleventh day after the approval of this act; the subscribers to said articles, who have so paid in the first instalment on their sub-

Company how

organized. scriptions or their assigns, shall meet at Browns Hotel at Tal-
 lahasse, and choose three directors of said company, to serve
 until the first Monday in January, one thousand eight hundred
 and thirty-nine, when another election shall be had, as may be
 prescribed in the by-laws of said company; each share having
 one vote; and said subscribers so having paid in said instalment,
 shall also proceed to make and establish by-laws for the govern-
 ment of said company; and said directors shall proceed to elect
 a president and other officers of said company under and ac-
 cording to such by-laws, to serve as described in the same.

Government. Sec. 5. Be it further enacted, That the board of directors
 so elected, shall have the management and conducting of the
 Board of Direc- affairs of said company according to the rules and regulations
 tors. prescribed in the by-laws, and shall have power to call in as may
 be prescribed by said by-laws, additional instalment of stock,
 Powers. or allow subscriptions of additional stock, under the stipulations
 embraced in said articles as may be deemed expedient.

Privileges of Sec. 6. Be it further enacted, That when any additional in-
 Stockholders. stalment of stock is called in, any stockholder holding a num-
 ber of shares, shall have the right, on making written applica-
 tion therefor to relinquish such number of shares of stock as may
 amount to the instalments called in on the residue, and such
 amount on each share shall be appropriated and applied to the
 payment of such instalments on said residue of said shares: such
 stockholder however to forfeit all right to the company to any
 overplus of said shares after payment of such instalment on said
 residue.

Property may be Sec. 7. Be it further enacted, That the board of directors
 received in pay- with the approval of two thirds of the stockholders, each share
 ment. having one vote may agree to receive in satisfaction of instal-
 ments of stock or additional subscriptions real or personal prop-
 erty or articles useful to said company at a fair valuation.

Stockholders Sec. 8. Be it further enacted, That the subscribers and stock-
 how liable. holders of said company shall not be liable in any wise beyond
 the amount they have paid into said company, and on abandon-
 ment and forfeiture thereof may at any time retire from said
 company, without further loss responsibility or liability to any
 person or persons whatsoever. Provided however no dividend
 or distribution of the profits or property of said company shall
 be declared or made, while the company have any debts con-
 tracted and unpaid without first providing fully for the payment
 of all such debts, and any stockholder receiving any such divi-
 dend or distribution shall be liable to refund the same with in-
 terest to any creditor of said company, to be recovered by ac-
 tion of debt in any court having jurisdiction thereof, nor shall

Proviso.

Creditor of com.

any debt to any stockholder or officer of said company be paid in whole or in part, until all other liabilities of said company are first paid and satisfied, and in such case such stockholder or officer shall be liable to refund the same with interest to any creditor deferred to him, who may sue therefor as aforesaid. pany first paid.

Sec. 9. Be it further enacted, That three fourths of the stockholders may dissolve said company at any general meeting as may be prescribed by said by-laws. Company how dissolved.

Sec. 10. Be it further enacted, That full records and minutes of the daily proceedings of said company and the directors and of the accounts and acts of officers and agents shall be kept, and which every stockholder may at all times have a right to examine. Records kept.

Sec. 11. Be it further enacted, That said company is prohibited from in any wise or manner exercising banking privileges or of dealing in the brokerage of notes, bonds bills of exchange or other securities, and from issuing any notes or bills in the likeness or character of Bank notes: Provided however this clause not to restrict said company from giving their obligations notes or other securities to the amount of, or above fifty dollars, under the seal of said corporation in such form and style as may be deemed most expedient to the order of persons to whom they may bonafide become indebted in carrying on the business of said company. Banking privileges prohibited. Proviso.

Sec. 12. Be it further enacted, That in consideration of the benefits to be derived from the establishment of said company, the capital stock thereof, and the machinery, manufactories, mills, works, and products used therein, shall be free from taxation of all kinds in Florida, but the other real estate and slaves of said company, shall be liable to the same taxes as other like property owned by individuals. Property free from taxation

Sec. 13. Be it further enacted, That this act shall be taken and regarded as a public act, and shall be favorably construed by all courts in this Territory, and may be given in evidence in all cases without special pleading; and this act shall continue and remain in force for the term of fifty years from the date of its approval by the Governor. Rights in Courts of Justice.

Passed 5th February 1838.—Approved 8th Feb. 1838.

No. 23. AN ACT to amend An Act concerning Dower.

Section. 1st. Be it enacted by the Governor and Legislative Council of the Territory of Florida, That in all cases in which a widow of a deceased person may be entitled to dower under

Widow may
make her elec-
tion of dower.

the statute of which this is an amendment, she shall make her election either of dower or of a child's part, within twelve months after the probate of the will or granting letters of administration, or she shall be confined to her dower.

Fee simple title
to widow.

Sec. 2. That if a widow take dower, she shall be entitled only to a life estate in the real property, to return at her death, to the estate of her deceased husband for distribution; if she takes a child's part, she shall have in the property set apart to her, a fee simple estate in the real property, and an absolute title to the personal property including slaves, with power to control or dispose of the same by will, deed or otherwise.

Passed February 6th 1838.—Approved 8th Feb. 1838.

No. 24. AN ACT in addition to An Act, (approved January 30th, 1835,) entitled An Act to prevent any person in this Territory from carrying arms secretly.

Venders to get
license.

Section 1. Be it enacted by the Governor and Legislative Council of the Territory of Florida, That from and after the passage of this act, it shall not be lawful for any person or persons in this Territory to vend dirks, pocket pistols, sword canes, or bowie knives, until he or they shall have first paid to the treasurer of the county in which he or they intend to vend weapons, a tax of two hundred dollars per annum, and all persons carrying said weapons ~~openly~~ shall pay to the officer aforesaid a tax of ten dollars per annum; and it shall be the duty of said officer to give the parties so paying a written certificate, stating that they have complied with the provisions of this act. Four fifths of all monies so collected to be applied by the county courts to county purposes, the other fifth to be paid to the prosecuting attorney.

monies how ap-
propriated.

Penalty.

Sec. 2. Be it further enacted, That if any person shall be known to violate this act, he or they so offending, shall be subject to an indictment, and on conviction, to a fine of not less than two hundred nor exceeding five hundred dollars, at the discretion of the court.

Judges to charge
grand juries.

Sec. 3. Be it further enacted, That it shall be the duty of the several Judges of the Superior Courts of this Territory, to give this act in charge to the grand jurors of their respective districts at each term of the court.

Passed 5th Febuary, 1838.—Approved 10th Feb. 1838.

No. 25. AN ACT to authorize John Bryan to establish a Ferry across Holmes' Creek:

Section 1. Be it enacted by the Governor and Legislative Council of [the Territory] of Florida, That John Bryan be, Ferry where established. and he is hereby, vested with the right and privilege of establishing a Ferry, and charged with the duty of keeping the same in repair, across Holmes' Creek, at or near the place known as Bryan's Ferry, on the said creek, and the said John Bryan, his heirs and assigns, shall continue to possess the right of said ferry for and during the term of five years, provided, the said John Bryan shall keep the said ferry in good repair.

Sec. 2. Be it further enacted, That it shall be unlawful for any other person or persons to establish or keep a ferry within five miles of said ferry, on said river, except it be for his or their use, and not for the purpose of gathering toll. Privileges.

Sec. 3. And be it further enacted, That it shall be the duty of the said John Bryan, his heirs and assigns, to keep at all times a good and sufficient flat or other craft, of sufficient size to cross a wagon and team, and that he shall charge and receive such toll or ferriage as is charged or allowed at any other ferry on said creek, or which may be established by any future Legislative Council of this Territory. Duty of proprietor.

Passed 6th February 1838.—Approved 8th Feb. 1838.

No. 26. AN ACT to amend the several Acts now in force concerning Executions:

Section 1. Be it enacted by the Governor and Legislative Council of the Territory of Florida, That from and after the passage of this act, it shall be lawful for the Marshals of this Territory to sell property under execution on any day of the week or month, except the Sabbath, they give at least thirty days notice, in the nearest newspaper to the county in which the sale is to take place, likewise to post the same notice at three of the most public places in the county in which said property is to be sold. Marshals may sell property, etc.

Sec. 2. Be it further enacted, That all laws now in force in this Territory, inconsistent with this Act, be, and they are hereby repealed. Repealing clause

Passed Feb. 6th, 1838.—Approved 8th February, 1838.

No. 27.—AN ACT to amend the several acts regulating County Courts in this Territory.

Jurisdiction of
County Courts.

Appeals how con-
ducted.

Section 1. Be it enacted by the Governor and Legislative Council of the Territory of Florida, That the County Courts of this Territory, shall be courts of record, and shall within their respective counties, have and exercise original jurisdiction over all cases where the sum, debt, damages, or matters in demand or controversy, shall be above fifty, and not above one thousand dollars, and in all cases above one thousand dollars, where the judge of the Superior Court, in his own judicial district, is a party, either plaintiff or defendant, or where such judge cannot, for any other cause, take cognizance of the suit, the said court shall have also appellate jurisdiction over the judgment of any Justice of the Peace; the case on every such appeal to be tried anew upon its merits, but without requiring written pleadings; no appeal from any justices court shall be allowed, when the sum in demand or controversy, does not exceed ten dollars, except for matters of law apparent of record; and in every such case the trial in the County Court shall be upon, and by inspection of record; and writs of error, certiorari, mandamus, and prohibition, shall issue from the county court to any justices court, which shall be tested by the Judge awarding the same.

Rules of real es-
tate of deceased
persons.

Security requir-
ed.

Land and ne-
groes.

Sec. 2. Be it further enacted, That the County Courts of the several counties of this Territory, shall have the same powers, in relation to the sales of the real estates of deceased persons, or of minors, as is vested in the Superior Court by an act, approved the 21st day of January, eighteen hundred and thirty-six, entitled, "An act to enable executors, administrators and guardians, to sell the real estate of infants," under the same rules and restrictions as is in said act prescribed; Provided, however, That whenever any superior or county court shall authorise the sale of real estate, in either of the cases before mentioned, the executor, administrator, or guardian, applying for authority to sell, shall enter into bond, with good and sufficient security, in double the amount of the estimated value of the real estate authorised to be sold, payable to the Governor of the Territory of Florida, and his successors in office, conditioned for the faithful and legal application of the proceeds of said sale.

Sec. 3. Be it further enacted, That in all cases [where] it may be necessary to sell the land or negroes, belonging to the estate of deceased persons, for the payment [of] debts due by the deceased, the Judge of the County Court shall order the

sale of either, as he may consider most to the interest of the estate, or the parties to whom the property belongs.

Sec. 4. Be it further enacted, That in all cases in which the officers of said courts, or in which Justices of the Peace, constables, or tax collectors, shall receive money by virtue of their offices, and shall not pay over the same to the persons entitled thereto, upon demand, they shall pay to the persons entitled to receive the same, the principal and interest received, with twenty-five per cent, damages, which may be recovered by rule before the court, and the party held in custody, as for contempt, until the principal, interest, damages and cost, are paid.

Clerks not payable for interest.

Sec. 5. Be it further enacted, That the County Courts in the Southern District, shall be held quarterly from the times at which they are now held by law.

Courts of Southern District.

Sec. 6. Be it further enacted, That any person who may feel aggrieved by any order or decree of such county court, for the sale of any such real estate or slaves, may appeal from the said order or decree in the same manner as appeals are, or may by law, be taken in other cases, from the County to the Superior Court; and such appeal shall in all cases operate as a supersedeas.

Appeals.

Sec. 7. Be it further enacted, That in all cases when the Judge of the Superior Court, shall be interested in such real estate, such appeal may be taken directly to the Court of Appeals.

Sec. 8. Be it further enacted, That the natural guardian of any minor, may, upon petition, be allowed to sell the real estate of such minor, subject to the same provisions herein directed, without the necessity of taking out letters of guardianship.

Guardians may sell real estate.

Sec. 9. Be it further enacted, That all laws or parts of laws, so far as they conflict with this law, be, and the same are hereby repealed.

Repealing clause

Passed 6th February, 1833.—Approved 8th Feb. 1833.

No 23. AN ACT to charter and incorporate the Trustees of the St. Andrews College in West Florida.

Section 1. Be it enacted by the Governor and Legislative Council of the Territory of Florida, That James Bright, N. H. Mitchell, Richard Fitzpatrick, John Bryan, Jos. Croskey, Neill McPherson, Peter Gautier, Jr. Jesse Willis, Simmons J. Baker, James T. Pittman, Jesse Coe, and John Branch, and their successors in office, are hereby constituted, declared to be, and are incorporated into, a body politic and corporate

Incorporation.

Name. in fact and in law, by the name and style of the Trustees of St. Andrew's College in West Florida, and by that name they and their successors in office shall have continued and perpetual succession, and shall be capable and liable at law and in equity, to sue and be sued, plead and be impleaded, of answering and being answered unto, defending and being defended against in all courts and places whatsoever, and shall have power to make a common seal, and the same to alter at pleasure, and to make ordinances and by-laws for the government of said corporation, not contrary to the laws of this Territory or of the United States, and by the name and style aforesaid, shall be capable of being contracted with, receiving, purchasing, holding, using, possessing, selling, granting, and conveying, all kinds of property, real and personal, expedient and useful to the full exercise and enjoyment of the privileges with which said corporation are hereby invested, and for the promotion of the objects of said corporation, and of pledging, hypothecating and mortgaging the same, and generally, to do and perform all acts and things, as fully to all intents and purposes, as the said Trustees or their successors could do individually without this act.

Privileges.

Object declared. Sec. 2. Be it further enacted, That the objects and purposes of said corporation, are hereby declared to be the education of male youths in those branches of education and science which are and may be hereafter generally taught in the higher classes of seminaries in the United States of America, and the said corporation are hereby invested with lawful right, power and authority to confer academical degrees, as generally conferred in other colleges in the United States, upon graduates of said college or honorary degrees upon worthy and distinguished persons, not graduates, and to issue diplomas therefor, according to the by-laws of said corporation to be hereafter made and adopted.

Degrees may be conferred.

Office of Trustees. Sec. 3. Be it further enacted, That the Trustees above named, shall continue in office until the first Monday of January, one thousand eight hundred and forty two, and shall have power until that time to fill any vacancy, or vacancies, in the board, by the suffrages of a majority of the remaining Trustees, and on said first Monday of January one thousand eight hundred and forty two, each of said persons above named, and all others who shall have made a donation three months previously, to or above the amount or value of one hundred dollars, said corporation shall be entitled to have one vote for twelve Trustees of said corporation, to serve for three years next ensuing, with power *ad interim* to fill vacancies, when an other election shall take place in which all former Trustees and donors as aforesaid, or donors of like amount and value, three months previously to

Who may vote at election.

said election, shall have a vote as aforesaid, and said elections to be continued to be held tri-annually perpetually under such rules and regulations, or ordinances and by-laws, as may be adopted by said corporation, and if neglected to be so held, the Trustees in office shall continue in office for one year longer, or until another election shall be held.

Elections tri-annually.

Sec. 4. Be it further enacted, That said corporation shall have power to elect a President, Vice President, Treasurer and Secretary, of said corporation, and also to appoint such professors and teachers, or other officers, as they may deem expedient, none of whom shall however, be Trustees of said corporation, either at the time of their election, or subsequently, while in office, nor shall any Trustee receive in any wise any compensation or emolument for any service to said corporation.

Officers of incorporation.

Sec. 5. Be it further enacted, That the Governor of Florida, the Judges of the highest courts of law and equity therein, the presiding officers of both branches of the Legislature of Florida, and the Senators and Representatives in the Congress of the United States, from Florida, for the time being, shall be exofficio honorary members of said Board of Trustees, and be entitled to a seat at the board, though not to have a vote, unless otherwise entitled.

Honorary members.

Sec. 6. Be it further enacted, That said board of trustees may elect, as may be prescribed by their by-laws, a chairman of their board from among themselves, and a secretary, who may not be a member, and said secretary shall keep regular minutes of the proceedings of the board.

Duty of Secretary.

Sec. 7. Be it further enacted, That a majority of the whole number of constituted or elected trustees, shall be necessary to make any by-law or ordinance, rule or regulation, and adopt other measures relating to said corporation.

Trustees, etc.

Sec. 8. Be it further enacted, That said college shall be located on the sixteenth section of township four, range fourteen, south and west, in the county of Washington; Provided: The assent of Congress can be thereto obtained; and if the same is not done, then said trustees may locate the same at such place, as they may deem best; Provided: That said location shall be made on the Bay of St. Andrews.

Location of college.

Sec. 9. Be it further enacted, That said corporation shall be exempted from all taxes of any kind and nature whatsoever, nor shall its property, real or personal, be subject to any levy or tax at any time.

Exempted from tax.

Passed 6th February, 1838.—Approved 8th Feb. 1838.

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No. 29. AN ACT to change the time of holding the County Court of Jackson county.

Time changed. Section 1. Be it enacted by the Governor and Legislative Council of the Territory of Florida, That the fall term of the county court of Jackson county, shall be held on the first Monday in November, in each year.

Repealing clause Sec. 2. Be it further enacted, That all laws and parts of laws, conflicting with the provisions of this act, be, and the same are hereby repealed,

Passed 6th February, 1838.—Approved 8th Feb. 1838.

No. 30.—AN ACT for the relief of Micajah Dean.

Preamble. WHEREAS, at the extra term of the Superior Court, for the counties of Alachua, Hillsborough, and Columbia, held at Newnansville, in August, 1837, two negro slaves, named Tom and Jack, were convicted and executed for the murder of Lewellyn Gilliland, the said negro slaves being the property of Micajah Dean, a citizen of Columbia county, therefore, for the relief of the said Micajah Dean,

Amount paid. Be it enacted by the Governor and Legislative Council of the Territory of Florida, That the Territorial Treasurer is hereby required to pay to Micajah Dean aforesaid, the sum of one thousand dollars, out of any monies not otherwise appropriated, in full compensation for said negro slaves.

Passed 6th February, 1838.—Approved 8th Feb. 1838.

No. 31. AN ACT, to Incorporate the Tropical Plant Company of Florida:

Incorporation. Section 1. Be it enacted by the Governor and Legislative Council of the Territory of Florida, That Henry Perine, James Webb, and Charles Howe, and such other persons as shall become owners and holders of stock in said company, be, and they are hereby constituted and made a body corporate, by the title of the Tropical Plant Company of Florida.

Capital Stock may be increased. Sec. 2. Be it further enacted, That the capital stock of the said company shall be fifty thousand dollars to be divided into one thousand shares of fifty dollars each, and in case the Trustees shall hereafter find it expedient to increase the said capital, they are hereby authorized to do so from time to time, to any amount, not exceeding in the aggregate one hundred thousand

dollars, and to increase the number of shares in proportion to said increase of capital.

Sec. 3. Be it further enacted, That the company hereby incorporated shall be capable of holding such lands and hereditaments as they may acquire from the Government of the United States, or from individuals, for the purpose of carrying into effect the objects contemplated by this act.

Companies may hold lands.

Sec. 4. Be it further enacted, That the said company and their successors, by their corporate name, shall be capable of suing and of being sued, pleading and being impleaded, defending and being defended, answering and being answered in all courts and judicatures whatsoever and wheresoever, and also of contracting and being contracted with, and of purchasing and selling real, personal property when necessary for the efficient prosecution of the business of said company, and shall have a common seal, which the said Incorporators may alter, destroy and renew at pleasure.

Rights, privileges, etc.

Sec. 5. Be it further enacted, That books of subscription to the capital stock of said company shall be opened under the direction of the Trustees herein after named, or a majority of them, or under the superintendence and direction of such person or persons, as they, or a majority of them shall designate and appoint at Tallahassee, Pensacola, St. Augustine and Key West in the Territory of Florida, and at Charleston in the state of South Carolina, and New Orleans in the State of Louisiana, at such times as to them shall seem fit, which books shall be kept open for the space of ten days, or longer, if said Trustees shall deem it necessary.

Books of subscription when and where opened.

Sec. 6. Be it further enacted, That six hundred of the shares of said capital stock may be subscribed for and taken in the Territory of Florida, two hundred in New Orleans, and two hundred in Charleston, but if any of said shares shall remain unsubscribed for at the time of closing said books at the several places herein designated, then and in that case, the said Trustees may open books of subscription at such other places as they may think proper, either in said Territory, or elsewhere, and the said remaining shares, unsubscribed for as aforesaid, may be subscribed for and taken by any person, whether a previous stock holder in said company or not; it shall be the duty of said Trustees to require a payment of ten dollars on each share at the time the same is subscribed for, fifteen dollars in one year after said company shall be organized, and the remaining twenty five dollars in two years from its organization, and if any stockholder in said company, shall fail to make either of the two last mentioned payments, at the times specified, and for three months

Stock where owned.

Installments how paid.

Forfeit.

thereafter, he shall forfeit for the use of said company, his said stock, and all payments made thereon.

Managers of Company. Sec. 7. Be it further enacted, That the capital stock, property and affairs of said company shall be managed by three Trustees to be annually chosen by the said stockholders after the whole amount of the capital stock shall have been paid in as aforesaid, and that the first election for said Trustees shall be held at such time and place as a majority of said Trustees shall by publication for one month in some newspaper published in said Territory direct, within three months after the said capital stock shall have been paid in as aforesaid.

Trustees how appointed. Sec. 8. Be it further enacted, That Henry Perrine, James Webb and Charles Howe, shall be the Trustees from the date of this act until the time appointed for said first election and until others are elected, and all elections shall be holden under the inspection of two managers to be appointed by the Trustees for the time being, and shall be by ballot, and plurality of the votes given at such election shall constitute a choice, but all absent stockholders shall be allowed to vote by proxy, and for each share shall be entitled to one vote.

Trustees to be residents of Florida. Sec. 9. Be it further enacted, That no person shall be elected a Trustee of said company, unless he be at the time, a resident in the Territory of Florida, and the owner of at least twenty shares of the capital stock of the same, and if at any time after the election of any Trustee as aforesaid he shall cease to be a resident of said Territory, or the owner of twenty share of the said stock, his situation as Trustee shall be considered as vacant, and another Trustee shall be appointed in the manner hereinafter pointed out.

Elections. Sec. 10. Be it further enacted, That if from any cause an election of Trustees shall not be made at such time or times as is provided for by this act, the said corporation, shall not for that cause be dissolved, but it shall and may be lawful, to hold and make an election of Trustees, at such other times as the by laws and ordinances of said corporation shall prescribe, and in case any vacancy should occur in said board of Trustees, by death, resignation, or otherwise, the remaining Trustees are hereby authorized, by appointment to fill such vacancy, and the person so appointed, shall hold his office until the next election in the same manner, and shall possess all the powers and authority, which he would have been invested with, had he been duly elected by the stockholders.

Vacancies how filled.

Quorum. Sec. 11. Be it further enacted, That Trustees for the time being, or a majority of them, shall form a quorum for the transaction of all business of the company, one of whom shall be se-

lected by the others, as President of the board of Trustees, and they shall have power to make all such by-laws, rules and ordinances, as to them shall appear needful and proper, touching the management and disposition of the property, estate, and effects of the said corporation, and all such matters as appertain to the concerns of the association, but all such by-laws, rules, and ordinances, made as aforesaid, may be reviewed by the stock holders of said company, and upon the concurrence of two thirds thereof, shall be rescinded, and no by-law of said company, which is repugnant to the laws of this Territory or the laws and constitution of the United States, shall have any force or effect whatsoever.

By-laws, Rules,
etc.

Sec. 12. Be it further enacted, That the stock of said company shall be assignable, and transferable, according to the rules which may be established by said Trustees, but no stockholder indebted to said company, shall be permitted to make a transfer of his stock, or receive a dividend, until such debt be paid to the satisfaction of the Trustees.

Stock may be
transferred.

Sec. 13. Be it further enacted, That the Trustees shall at all times keep, or cause to be kept, at the office for transacting the business of said company, proper books in which shall be regularly entered, all the transactions of said company, which books shall be subject at all times to the inspection of the stock holders and the Trustees, on going out of office, shall account to their successors, and pay over all monies of the company which remain in their hands, unappropriated.

Records kept.

Sec. 14. Be it further enacted, That it shall be the duty of the Trustees, to call or appoint meetings, and notify the stockholders of the same, in the manner before mentioned, when required by stockholders owning one fourth of the stock, and at all such meetings, absent stockholders may be represented to the extent of their stock, by attorneys or proxies, duly constituted and appointed.

Trustees to call
meetings of stock
holders.

Sec. 15. Be it further enacted, That the said Henry Perrine, shall have the selection of the place deemed by him most suitable in soil and climate for the establishment of a Botanical Garden and nursery for acclimating tropical plants, fruits, and flowers, provided, in making selection, he interferes with no private rights previously existing, nor with the laws and rights of the United States in relation to the public lands in said Territory, and the said Henry Perrine, shall be the manager and superintendent of said garden and nursery, until he shall voluntarily relinquish the same, or remove from said Territory, unless he shall be removed from the management and superintendence of the same, by a vote representing at least three fourths of

Location of gar-
den and nursery

Compensation of
manager.

said stock; and the said Henry Perrine, shall be entitled to receive as a compensation for his services, the sum of twelve hundred dollars per annum, out of the profits accruing from said stock, and if the said profits shall at any time amount to the sum of twelve per centum, or more, on the capital invested, the said salary may be increased to any sum, not to exceed two thousand dollars per annum, at the discretion of the Trustees for the time being.

Vacancy of su-
perintend't how
filled.

Sec. 16. Be it further enacted, That if at any time, there should occur a vacancy in the office of superintendent and manager, it shall be the duty of the trustees for the time being, to appoint some other suitable person to fill said vacancy, which appointment shall be of force until the next regular election for trustees of said company, at which said election, there shall be a Superintendent and manager, chosen by the holders of a majority of said stock, or their representatives, but no person shall be appointed or elected to said office, who is not the owner of at least twenty shares of said stock, and who is not a resident of said Territory.

Officers and ser-
vants.

Sec. 17. Be it further enacted, That the said trustees shall at all times, have the power and authority, to appoint all such other officers and servants as they may deem necessary for the transaction of the business of said corporation, and to displace them at pleasure, and shall allow them such compensation for their services, as they may deem right and proper.

Dividends may
be received in
seeds, plants etc.

Sec. 18. Be it further enacted, That such of the stockholders as may prefer it, shall be entitled to receive their respective dividends of profits, in any seeds, plants, or other articles, cultivated in said garden or nursery, at a price, which shall not exceed the actual cost, incurred by said company, in procuring the same or similar articles.

Lottery authori-
zed.

Sec. 19. Be it further enacted, That it shall be lawful for said trustees, for the time being, to raise by lottery, in such scheme or schemes, as they may deem appropriate and advisable, a sum of money not to exceed ten thousand dollars, which sum of money, after the payment of the expenses of conducting said lottery, shall be wholly appropriated under the direction of said trustees, 1st. To the procuring and purchasing a sufficient botanical and scientific library, for the use of said company. 2d. To the procuring and purchasing the tools, implements, and machinery necessary to the conducting and carrying on the business of said company. 3d. To the paying and compensating, to such extent as the said trustees shall deem reasonable and just, the said Henry Perrine, for such exotic and other plants, as he may have already procured, and shall

Money how ap-
propriated.

turn over to said company; and 4th. To the procuring from time to time, from foreign places, such other seeds and plants, as are valuable, and may be rendered valuable to said Territory, by their cultivation and acclimation therein. And said lottery shall be conducted by such managers and officers as the said trustees shall appoint for that purpose; Provided, That all such managers and officers shall give bond and security in such sum or sums, as said trustees shall direct, faithfully to conduct said lottery; and provided also. That said managers and officers shall not be entitled to receive for their services, a sum which, in the aggregate, will amount to more than five per centum upon the money raised by said lottery.

Lottery how conducted.

Sec. 20. And be it further enacted, That this charter shall last, and provisions of this act continue in force for the term of twenty years, from the time when said company shall be organized.

Passed February 6th, 1838.—Approved Feb. 8th, 1838.

No. 32.—AN ACT for the relief of George W. Somaryndick.

Section 1. Be it enacted by the Governor and Legislative Council of the Territory of Florida, That, all the records and acts of George W. Somaryndick, Clerk of the County Court of Dade county, made and done by him as clerk of said court, before he received his commission from the Governor, be, and the same are hereby, legalized and made valid in law; and the said G. W. Somaryndick is hereby exempted from any penalty he may have incurred to the Territory.

Acts legalized and exempted from penalty.

Passed February 7th, 1838—Approved 7th Feb. 1838.

No. 33.—AN ACT to change the corporate name and style of the Pond Creek and Black Water River Canal Company, and for other purposes.

Section 1. Be it enacted by the Governor and Legislative Council of the Territory of Florida, That hereafter the name and style of the Pond Creek and Black Water River Canal Company, shall be the "Arcadia Rail Road Company," and that said company be authorised and empowered to build and construct a rail road in addition to, or in lieu of, the Canal authorised by the act of incorporation, approved the fourteenth day of February, in the year one thousand eight hundred and thirty-five; said road to commence at or near Arcadia, on Pond

Rail Road may be substituted for Canal.

Creek, and to run Black Water River, as may be deemed most advisable and expedient by said company.

Company when
organised.

Sec. 2. Be it further enacted, That said company is authorized till the first day of January, in the year one thousand eight hundred and thirty-nine, to fill the subscriptions of stock, and organize the said corporation according to the provisions of the act before mentioned; and for the objects and purposes aforesaid, are invested with powers, privileges, rights, and immunities, in respect to the construction of said road, taking possession of, and appropriating land and property necessary therefor, and all other proper objects as are by law invested in the Pensacola and Perdido Rail Road and Canal Company.

Books of sub-
scription when
and where open-
ed.

Sec. 3. Be it further enacted, That books of subscription for the capital stock of said company, shall be assumed by Joseph Forsyth, Timothy Twitchell, and Ezekiel E. Simpson, at such time and place, and under the direction of such person or persons, as they, or a majority of them, may appoint, and shall be kept open as long as they or a majority of them may think proper.

Directors.

Sec. 4. Be further enacted, That the number of directors of said company shall be three, to be elected at such time and place as the stockholders in their by-laws may prescribe.

Passed February 7th, 1838.—Approved 8th Feb. 1838.

No. 34.—AN ACT to legalize certain proceedings in the Superior Courts of East Florida.

Process without
seal legalized.

Section 1. Be it enacted by the Governor and Legislative Council of the Territory of Florida, That all process heretofore issued out of the Superior Court of the District of East Florida, in any county in said district without the seal of said court, be, and remain as valid and effectual in the law as though the seal of the said court, had been regularly attached thereto; Provided, however, That nothing herein contained shall be construed, to receive any process already set aside for want of such seal.

Passed February 7th, 1838.—Approved 8th Feb. 1838.

No. 35.—AN ACT to establish and regulate Pilots and Pilotage at St. Johns Bar, in the Territory of Florida.

Section 1. Be it enacted by the Governor and Legislative Council of the Territory of Florida, That it shall be the duty

of the County Court of Duval county, at the first term after the passage of this act, to make all necessary rules and regulations for regulating pilots and pilotage at St. John's Bar, and to modify, or amend, such rules or regulations at any subsequent time thereafter, as may be required.

County Court to make regulations, etc.

Sec. 2. Be it further enacted, That until the said court shall meet, it shall be the duty of the Judge of the county court aforesaid, to make and establish such rules and rates of pilotage as as may be required.

Judge in recess

Sec. 3. Be it further enacted, That it shall be the duty of the Judge of the county court aforesaid, to appoint one or more qualified persons to act as pilots at said bar, who shall give a bond, with good and sufficient security, in the sum of five hundred dollars, payable to the Governor of the Territory of Florida, and his successors in office, conditioned for the faithful performance of his duty as pilot, and before entering upon his duty, shall take and subscribe an oath well and truly to perform all the duties required of him as pilot, to the best of his skill and ability; which oath, together with the bond, shall be filed in the clerk's office of the county court aforesaid.

Judge to appoint Pilots.

Duties of pilots

Sec. 4. Be it further enacted, That all acts, and parts of acts, heretofore passed, regulating pilots or pilotage at St. Johns Bar, be, and the same are hereby repealed.

Passed February 7th, 1838.—Approved 8th Feb. 1838.

No. 36.—AN ACT to authorise Douglass Vass and others, proprietors of the Mineral Spring, in Columbia county, to build a bridge across the Suwannee River, at said Spring.

Section 1. Be it enacted by the Governor and Legislative Council of the Territory of Florida, That Douglass Vass and others, proprietors of the Mineral Spring in Columbia county, be, and they are hereby authorised to build a bridge across Suwannee river, at the said Mineral Spring; and said proprietors are hereby vested with all and singular, the immunities, rights, and privileges belonging to the same, for and during the term of twenty years, from and after the passage of this act; Provided, the said proprietors shall keep the same in good repair.

Rights and privileges

Sec. 2. Be it further enacted, That it shall be the duty of the said proprietors, to keep in good repair, a flat boat, of sufficient dimensions to transport across said river a loaded wagon and team, until said bridge shall be finished; and the said proprietors shall be entitled to receive at said ferry, or bridge, toll,

Duty of Bridge owners.

at such rates, and shall be subject to such regulations, as may be established by the county court of Columbia county, and the Legislative Council.

Extent of privilege.

Sec. 3. Be it further enacted, That it shall not be lawful for any person or persons whomsoever, to build a bridge, or establish a ferry across said river, within three miles above or below said Mineral Spring, on said river, unless the same be for his or their own exclusive use, and not for the purpose of gathering toll.

Laws repealed.

Sec. 4. Be it further enacted, That all laws militating against the true intent and meaning of this law, be, and the same is hereby declared to be null and void.

Penalties.

Sec. 5. Be it further enacted, That the said proprietors shall be subject to all the pains and penalties for neglect, as prescribed by a general law of this Territory.

Passed February 7th, 1838.—Approved 8th Feb. 1838.

No. 37. AN ACT to authorize John Bellame to render the Ocilla river navigable

Privileges granted.

Section 1. Be it enacted by the Governor and Legislative Council of the Territory of Florida, That John Bellame, his heirs or assigns, shall have, and they are hereby invested with, the rights to render the Ocilla river a navigable stream, by removing all the obstructions to the navigation of said stream, from the flat ford on said river, to the mouth of said river, that for this purpose the said John Bellame, his heirs or assigns, may commence, cut and terminate any canals or channels, and build any dams, locks, or other works on said river, at any point or points, best suited to the accomplishment of said object.

Duties prescribed.

Sec. 2. Be it further enacted, That it shall be the duty of the said John Bellame, his heirs or assigns, to commence the improvement of the navigation of said river within the time of two years after the passage of this act, and to complete the same within four years thereafter, and if the said John Bellame, his heirs or assigns, fail to commence the said improvement within the time aforesaid, or after having commenced the same shall abandon or neglect it for the period of twelve months at any one time, or if after said work has been completed, shall permit the same to remain unfit for the passage of boats drawing eighteen inches of water, and remain so for twelve months without any attempt to repair the same, then in either of said events, the privileges herein granted shall be withdrawn, unless the prose-

cution of said improvements have been suspended from high water, or low water, or any other unavoidable cause.

Sec. 3. Be it further enacted, That it shall be lawful for the said John Bellame, his heirs or assigns, to enter upon and take possession of any lands, timber, stones, and other materials whatever, which may be necessary to the prosecution and completion of said improvement, or when it may be necessary to construct any dam, open any canal, or erect any embankment, lock or other fixture, intended or implied by this act, provided, that no such land, timber, stones, or other materials, of private individuals be taken without adequate compensation to the owners thereof.

May occupy
lands, etc.

Sec. 4. Be it further enacted, That whenever it shall be necessary for the said John Bellame, his heirs or assigns, to take possession of and use any land, timber, stone, or other materials owned by private individuals for the use of said improvements, or the keeping in repair the same, or any part thereof, and the parties do not agree upon the value of the same, it shall be lawful for the said John Bellame, his heirs or assigns, to apply to the judge of the county court of the county in which such said lands and materials may be, praying a writ of *ad quod damnum* directed to the sheriff or other competent officer to summon five disinterested persons, of lawful age and housekeepers, to meet and value said property upon oath, to be administered by the said sheriff or other competent officers summoning the same, whose duty it shall be to attend said inquest in person and receive said report, and receive also from the said John Bellame, his heirs or assigns, the sum or sums adjudged by said report, and pay the same over to the person authorized to receive it, and to receive further all costs of said process under the writ above mentioned from the said John Bellame, whose duty it is hereby made to pay the same.

Value of lands
or material how
adjusted.

Sec. 5. Be it further enacted, That the said John Bellame, his heirs or assigns, be, and they are hereby, invested with the right to demand and receive tolls and fees for transporting produce and merchandize, or other articles upon said stream, at the rate of one dollar per hundred weight for the first ten years after the completion of said improvement, seventy five cents for the next ten years, and fifty cents thereafter, and the said John Bellame, his heirs or assigns, are hereby made liable for all damage which may be sustained by any passenger, produce, merchandize, or other articles, in the transportation of the same on said river.

Rates of toll and
fees.

Sec. 6. Be it further enacted, That it shall be, and it is hereby, made the duty of the said John Bellame, his heirs and as-

Boats etc. free
from tax.

Duties on boats
owned by others.

Property may be
taxed.

Exclusive privi-
lege.

Directors.

signs, to keep on said river, after the improvements mentioned in this act shall have been completed, a sufficient number of good, staunch, and strong boats for all transportation on said stream, and that said boats and all crafts necessarily connected with said transportation, be, and the same are hereby, declared exempt from taxation, provided, nevertheless, that the navigation of said stream, shall be open to the public, but all persons navigating said stream in boats, or other craft, not belonging to said John Bellame, shall be liable to pay to him, the said John Bellame, his heirs or assigns, the sum of twenty five cents per hundred for every hundred weight thus transported, and provided, that the transportation of passengers shall be agreed for, upon such terms as may be agreed upon by the persons applying for passage and the owner of the boats.

Sec. 7. Be it further enacted, That said John Bellame, his heirs or assigns, be, and they are hereby, required to make such annual payment into the Territorial Treasury upon the nett profits as may hereafter be provided by any general law taxing incorporations, but not exceeding two and a half per centum upon the nett profits derived from transportation upon said stream.

Sec. 8. Be it further enacted, That it shall be the duty of the said John Bellame, his heirs or assigns, to make under oath, an annual report to the Governor, of the moneys received as fees and tolls, and of the moneys expended upon the improvement of the said stream.

Sec. 9. Be it further enacted, That if the said John Bellame shall continue and complete the improvment herein described, within the time stipulated, no other person shall be permitted to make any improvement which may have the effect of injuring the rights intended to be vested by this act.

Sec. 10. Be it further enacted, That this act shall be in force from and after its passage, and shall continue [in] force for the period of sixty years.

Passed Feb. 8th, 1838.—Approved 10th, Feb. 1838.

No! 38. AN ACT supplemental to the several Acts incorporating the Bank of Pensacola:

Section 1. Be it enacted by the Governor and Legislative Council of the Territory of Florida, That the directors of the Bank created by the acts to which this is an amendment, shall be stockholders, citizens of the United States and residents of the Territory, and shall have resided therein at least thirty days before their election.

Sec. 2. Be it further enacted, That the eighth section of the act entitled "an act to increase the capital of the bank of Pensacola, and to amend the laws incorporating said bank, and for other purposes," approved the fourteenth day of February, in the year one thousand eight hundred and thirty five, be, and the same is hereby repealed, and the amounts heretofore raised or that hereafter may be raised, upon the bonds of the bank, may be appropriated to the payment of the instalments on the stock owned by the said bank in the Alabama, Florida, and Georgia Rail Road Company; and the profits and dividends the said bank may receive on its stock in the said Rail Road Company, shall not be divided among the stockholders of said bank, but the said profits and dividends shall be exclusively appropriated towards the payment of the principal and interest of the bonds authorised in the said act to be issued; provided, however, that whenever there is a fund created sufficient to pay the principal and interest of said bonds, the excess of the dividends on the stock owned by said bank, in said Rail Road Company, may be added to the profits of the bank, and divided in the manner now prescribed.

Section repealed

Profits and dividends how appropriated.

Sec. 3. Be it further enacted, That so much of the eleventh section of the act recited in the forgoing section, as provides that no tax shall be levied or assessed on the stock of said bank, be, and the same is here repealed, and that hereafter the said bank shall pay annually into the treasury of the Territory or state of Florida, the sum of two per centum on the nett profits thereof, which shall be in full of all Territorial, State or City taxes whatever.

Section repealed and tax levied.

Passed 9th, Feb. 1838.—Approved 10th Feb. 1838.

No. 39. AN ACT for the relief of the Florida Troops during the Indian War:

Section 1. Be it enacted by the Governor and Legislative Council of the Territory of Florida, That the Territory of Florida hereby guarantees to the officers and privates of the militia of this Territory, who may at any time since the commencement of the present Indian difficulties, have been legally called into service by the Governor or any other officers of Territorial Militia, and who remain unpaid, or which may hereafter be called into service for the defence of the frontier of Florida, the pay which is now allowed by the United States to the same description of Troops, and the guarantee of the Territory is hereby pledged, that no prejudice, or loss, shall be sustained by

Who entitled to pay.

Paymaster, etc.

Funds under the
control of Gov-
ernor.

any United States Paymaster, ordered into Florida to pay off the militia, in consequence of the payment of any money to the troops called into the service by the Governor for the defence of the frontier, and the funds provided by the Governor under the provisions, and by the authority of this act, shall be under his control, and he may appoint such person as he may think proper to disburse the same, and the said troops shall be paid in the regular order in which they were called into service.

Loan authorised

Sec. 2. Be it further enacted, That the Governor of the Territory is hereby fully authorized and empowered to negotiate a loan for the purposes contemplated by this act.

Passed 9th, Feb. 1838.—Approved 10th, Feb. 1838.

No. 40. AN ACT to amend An Act to incorporate the Farmers Bank of Florida.

Capital increas-
ed.

Section 1. Be it enacted by the Governor and Legislative Council of the Territory of Florida, That there may be an increase of the capital stock of said bank in the further sum of one hundred and twenty five thousand dollars over and above its capital stock now allowed in its charter.

Books opened.

Sec. 2. Be it further enacted, That for the increase of the stock as aforesaid, books of subscription may be opened at such times and places, and under the superintendence of such persons as the directors for the time being may appoint, and citizens of the Territory shall have the right only of subscribing to said stock

Agencies and
branches discon-
tinued.

Sec. 3. Be it further enacted, That no powers or rights under this amended charter shall enure or be continued to said bank, unless upon the discontinuance of all agencies or branches beyond the limits of this Territory, and the redemption in specie, or the notes of solvent banks, of all liabilities heretofore incurred by said foreign branches or agencies, and provided this charter shall be subject to such rules and regulations as may hereafter be adopted for the other chartered institutions of the Territory.

Passed 9th, Feb. 1838.—Approved 10th, Feb. 1838.

No. 41. AN ACT to incorporate the Alachua Land Company.

Section 1. Be it enacted by the Governor and Legislative Council of the Territory of Florida, That Isaac Marquand, Nehemiah Brush, Walter Mead, Jeromus Johnston, Moses E.

Levy, Peter Mitchel and all others, who are proprietors of the tract of land in Alachua county, East Florida, known by the name of the "Arredondo Grant," granted by Don Alexandro Ramirez, the twenty second day of December, one thousand eight hundred and seventeen, and their assigns, be, and they are hereby constituted a body corporate by the name and style of the Alachua Land Company.

Sec. 2. Be it further enacted, That the said company shall have power to sell the said tract of land or any part thereof, as a common or joint stock, for the benefit of the respective proprietors thereof, or their assigns, and for this purpose the proprietors of three fourths of the interest in the said lands shall be competent to appoint trustees, agents, or other necessary persons, and the said majority of three fourths shall also be competent to form or approve such articles of association, rules, regulations, or provisions, as to the said majority may seem right and proper, for the sale of the said tract, and shall distribute the proceeds thereof, amongst the proprietors thereof, or their assigns, in the proportions of the interest therein, respectively held by them.

Sec. 3. Be it further enacted, That in cases wherein a minor or minors are or shall become possessed of a portion or portions of the said tract of land, the legal guardian or guardians of the same, shall be qualified to represent the interest of such minor or minors in the said lands, and for and in behalf of such minor or minors, to do and perform all acts and things in the said company that the said minor or minors could or might do, if he or they were proprietors of age.

Sec. 4. And be it further enacted, That if it shall appear that any minor or minors having interest in the said tract of land, shall not be represented by a guardian, the Superior Court of East Florida may appoint such guardian, or such representative of such minor or minors, and under such securities and regulations as to the said court, the nature of the case may seem to require for the interest and protection of such minor or minors, and the minor or minors thus represented shall be bound by the proceedings in their behalf that shall be had under this act.

Sec. 5. And be it further enacted, That nothing in this act contained shall be construed to affect in any wise, either in possession or title, the holders of adverse claims to lands within the limits of said Arredondo Grant: although such adverse claims may be one of the proprietors above mentioned.

Passed 9th, Feb. 1838.—Approved 11th, Feb. 1838.

No. 42. AN ACT to authorize Abraham Milsted to build and establish a Toll Bridge across the Big Escambia, in Escambia county.

Section 1. Be it enacted by the Governor and Legislative Council of the Territory of Florida, That Abraham Milsted, his heirs and assigns, be, and they are hereby, authorized and vested with the right of building and establishing a Toll Bridge across the Big Escambia, in Escambia County; and the said Milsted, his heirs and assigns, shall continue in the enjoyment of the rights and privileges herein granted for and during the term of twenty years: *provided*, the said Milsted, his heirs and assigns, shall so long keep the said bridge in good repair for the crossing of waggons and teams, and should he or they fail to do so for the space of sixty days, all the rights and privileges, vested by this act, shall cease and be forfeited, and should the said Milsted, his heirs or assigns, fail to complete the said work within twelve months from and after the passage of this act, then his or their right to erect said bridge shall be void.

Privilege granted.

Duty required.

Extent of Privilege.

Sec. 2. Be it further enacted, That no other toll bridge shall be erected within three miles below and above said bridge, and that the said Abraham Milsted, his heirs and assigns, shall be entitled to receive such tolls, and be subject to such regulations as shall be established by the county court of Escambia County and the future Legislatures of the Territory or State of Florida.

Passed 10th, Feb. 1838.—Approved 10th, Feb. 1838.

No. 43.—AN ACT to amend the act to incorporate the Roman Catholic Congregation of the City of Pensacola.

Section 1. Be it enacted by the Governor and Legislative Council of the Territory of Florida, That hereafter the number of Church Wardens shall be reduced to five, who shall be pew holders, three of whom shall be a quorum for the transaction of business; and the said wardens shall have the power to fill all vacancies that may occur in their body, until the succeeding election.

Church Wardens

Sec. 2. Be it further enacted, That so much of the act, to which this is an amendment, as conflicts with the provisions hereof, be, and the same is hereby repealed.

Repealing clause

Passed 10th February, 1838.—Approved 10th Feb. 1838.

No. 44. AN ACT to incorporate the Protestant Episcopal Church, in the Diocese of Florida.

Section 1. Be it enacted by the Governor and Legislative Council of the Territory of Florida, That the Clergy and Laity of the several Parishes, composing the Protestant Episcopal Church, in the Diocese of Florida, be, and they are hereby declared to be a body corporate, by the name and style of "The Protestant Episcopal Church, in the Diocese of Florida," and they and their successors shall have full power to acquire and be possessed of, and hold for the use and benefit of said church, real and personal estate, and to dispose of the same, as circumstances may require; and to receive all gifts, grants and donations, of every description whatsoever, which maybe made to the same, and shall have the power, by their corporate name aforesaid, of suing and being sued, pleading and being impleaded, and of using all necessary and proper steps for recovering any property whatsoever, which the said church may hold or claim; and also, the power to make all necessary rules and regulations for the receiving as well the said property, as of all monies, rents, issues and profits, growing out of the same, or any part thereof, and shall have a corporate seal, which they may renew, alter and change at pleasure.

Name.

Rights and privileges.

Sec. 2. Be it further enacted, That all parishes of said diocese, which may hereafter be formed and established within the same, shall be admitted to the benefits and privileges of said incorporation, upon the principles prescribed, or which may hereafter be prescribed by the rules of said church, established in convention for the government of the Parishes, composing the same, and upon no other terms or conditions whatsoever.

Benefits to parishes.

Sec. 3. And be it further enacted, That no lands, tenements, hereditaments, money or other thing given at any time, or at any place, for the use and benefit of said church, shall be withdrawn from the same by any parish, or the congregation thereof, or otherwise disposed of, except for the use and benefit of said church, or said parish, while the said congregation shall continue in, and belong to the said Diocese, except by the consent of said Diocese in convention assembled.

Donations how disposed of.

Passed February 10, 1838.—Approved 10th Feb. 1838.

No. 45.—AN ACT further to amend the charter of the Southern Life Insurance and Trust Company.

Section 1. Be it enacted by the Governor and Legislative Council of the Territory of Florida, That in lieu of the man-

Report to be
made to the Gov-
ernor.

ner now prescribed by law, for the said company to report, the trustees shall, annually, on the first day of January, or within fifteen days thereafter, report to the Governor of this Territory, a full statement of their affairs, verified by the oath of the president and cashier, taken before some officer duly authorised to administer oaths.

Election of Trus-
tees.

Sec. 2. Be it further enacted, That the trustees of the said company, shall be elected, annually, the first annual election shall be held on the first Monday of December next, when the offices of trustees, first elected, shall expire; but every board of trustees shall hold their offices until their successors are elected and organized.

Certificate of
stock.

Sec. 3. Be it further enacted, That said company may in their discretion, authorise any of the stockholders to surrender their certificates of capital stock, and take an amount of certificates of full stock, equal to the amount of payment on the stock so surrendered, and the said company may hold or re-issue such overplus stock.

Stock to be used
for Banking.

Sec. 4. Be it further enacted, That the said company may use two-fifths of their capital stock paid in, or which may be hereafter paid in, for ordinary banking purposes within the Territory of Florida, any thing in the sixth section of their charter, to the contrary notwithstanding, provided, however, that they shall have no right to claim or receive the guarantee of said Territory for any sum beyond the amount actually loaned upon bonds or notes secured by mortgage upon real and personal estate, agreeably to the provisions of the sixth section of their charter.

May call in resi-
duc.

Sec. 5. Be it further enacted, That the said company may call in the residue of their capital stock at any time within the period of five years from and after the first day of January, one thousand eight hundred and thirty nine.

Suspension of
specie payment.

Sec. 6. Be it further enacted, That in lieu of the penalties and forfeitures imposed by the 19th section of the act creating the said corporation, in refusing or suspending the payment of specie for its notes or obligations, or of any fund received by them in deposite, for the term of ninety days, that if the said corporation shall at any time hereafter refuse or suspend payment in specie on any of its notes or obligations, or of any funds deposited with said company, on lawful demand being made, the bearer of such notes or obligations, or any person having the right to demand or receive the amount of funds, deposited as above mentioned, shall be entitled to recover interest at the rates of ten per centum per annum on the amount, until the said company

shall tender payment thereof, with damages as aforesaid, in specie at their counter.

Sec. 7. Be it further enacted, That no person who is not a resident of the Territory shall be a trustee of said institution.

Passed 10th, Feb. 1838.—Approved 11th, Feb. 1838.

No. 46. AN ACT to repeal An Act concerning Jurors in the Southern District:

Section 1. Be it enacted by the Governor and Legislative Council of the Territory of Florida, That An Act entitled An Act concerning Jurors in the Southern District, approved the eleventh day of February, one thousand eight hundred and thirty seven, be, and the same is hereby repealed, except so far as the same relates to the number of Jurors to be summoned, and the number qualified to act, and the general laws in relation to Jurors, repealed by the before recited act, be, and the same are hereby, revived in the said Southern District.

Part of act repealed.

Passed 10th, Feb. 1838.—Approved 11th, Feb. 1838.

No. 47. AN ACT to authorize the St. Andrews and Chipola Canal and Rail Road Company to establish the books of record of the Company and all other papers lost by said Company by fire.

Section 1. Be it enacted by the Governor and Legislative Council of the Territory of Florida, That the directors of said company be, and they are hereby authorized to cause to be made out from the best evidence in their power, copies of the records of said company, either under the name of the St. Andrews and Chipola Canal Company, or under its present name, also all other papers belonging to said company, or any of its members, which may be necessary to establish the legal rights of the company, or of the members, and which may have been lost by fire.

Copies of records to be made out.

Sec. 2. Be it further enacted, That the said copies, when accepted by the majority of the stockholders, shall be deemed, held, and considered as valid in law as the original would be had they not been burned.

Copies to be considered valid.

Passed 10th, Feb. 1838.—Approved 11th, Feb. 1838.

No. 48.—AN ACT to carry into effect a General System of Education in the Territory of Florida, by the educating Schoolmasters.

Duty of County Court. Section 1. Be it enacted by the Governor and Legislative Council of Florida, That it shall be the duty of the County Court, in each respective county of the Territory, immediately upon the organising of the Dade Institute of Florida, to send one young man to the said Institute, to be educated as a Schoolmaster, for the county from which he shall be sent.

How selected. Sec. 2. Be it farther enacted, That in the selecting of said young man, as aforesaid, the County Court shall be influenced in their choice, by the worth and talent of the individual, and his likelihood for usefulness, but not the less for his not being able to educate himself, and orphans are especially to have the preference.

Passed 10th February, 1838.—Approved 11th Feb. 1838.

No. 49.—AN ACT for the compensation of the Members and Officers of the Legislative Council, and for other purposes.

Duty of Governor or. Section 1. Be it enacted by the Governor and Legislative Council of the Territory of Florida, That the Governor cause to be audited and settled, the pay and mileage of the Members of the Legislative Council, for their attendance from Monday, the first day of January, to Sunday, the eleventh day of February, of the same year, both days inclusive, agreeable to the allowance authorised by the act of Congress.

Amounts Sec. 2. Be it further enacted, That he cause to be paid to J. S. Robinson, Secretary of the Council, five hundred dollars.

Appropriated. To James H. Gibson, enrolling and engrossing clerk, three hundred dollars.

To Neill McPherson, enrolling and engrossing clerk, three hundred dollars.

To Robert B. Copeland, enrolling and engrossing clerk, three hundred and thirty-five dollars.

To James Wallace, Sergeant at Arms, two hundred and thirty one dollars and fifty cents.

To Moses Ellis, door keeper, one hundred and seventy-five dollars.

To William Wilson, for stationary, including articles furnished for the funeral of James W. Exum, a member of the Legislative Council, nine hundred dollars and thirty-four cents.

To Samuel S. Sibley, for miscellaneous printing for the Le-

gislative Council, one thousand, three hundred and forty-one dollars and fifty-one cents.

To Richard Hayward, for his account, fifty-six dollars and twenty-four cents.

To J. Knowles, for printing the Governor's Message, one hundred dollars.

To Thomas H. Austin, for his account, twenty dollars and twenty five cents.

To J. M. Hugon, for his account, thirteen dollars and fifty cents.

To Frederick Towle, for his account, thirty-seven dollars and fifty cents.

To H. N. Coleman, for copying the laws of the present session and making index to same, two hundred and fifty dollars.

Sec. 3. Be it further enacted, That the Governor cause to be audited and settled, the account of Samuel S. Sibley, for printing the laws and journals of the present session, when the same is finished, according to his contract; and that he also cause to be settled, the accounts of the editors of newspapers, authorised to publish the laws of the present Council, according to the act of Congress.

Governor to audit and settle accounts of publishers of laws.

Sec. 4. Be it further enacted, That the Governor cause to be paid to Thomas H. Austin, two hundred dollars, for taking charge of the Capital Square and house, and the property in the same, out of any money in the Tallahassee Fund, not otherwise appropriated; and the Auditor of this Territory is hereby required to audit said account.

Public property.

Passed 10th February, 1838.—Approved 11th Feb. 1838.

No. 50.—AN ACT to authorise the Trustees of Jefferson Academy, to rent the School Lands within the county of Jefferson, and for other purposes.

Section 1. Be it enacted by the Governor and Legislative Council of the Territory of Florida, That the Trustees of the Jefferson Academy, be, and they are hereby authorised to take possession of the School Lands within the county of Jefferson, to use all proper and lawful remedies for the recovery of the same, in case possession should be refused to them, to lease the same from year to year, or for a term of years, not exceeding five years, and to add such stipulations and conditions to each lease as to them shall seem just and reasonable.

Trustees of Jefferson Academy to rent school lands.

Sec. 2. Be it further enacted, That the said trustees are hereby authorised and empowered to receive such rents and pro-

fits as may hereafter accrue upon said lands so leased as aforesaid, and to use all proper and lawful means to recover the same when neglect of payment occurs.

To collect rents
and dues.

Sec. 3. Be it further enacted, That the said trustees be, and they are hereby authorised and empowered to demand, sue for and recover all such rents, profits, or damages as may be due and accruing upon the use and occupation of the aforesaid lands, at any time heretofore used and occupied, and under whatsoever pretence, claim or right, the same may have been used and occupied.

Poor children to
be educated.

Sec. 4. Be it further enacted, That the trustees be, and they are hereby authorised and empowered, and it shall be their duty to apply the moneys so received as aforesaid, in the education of poor children, within the county of Jefferson, and in such proper and necessary repairs and improvement of said Academy, as to them shall seem best calculated to advance the welfare and usefulness of the institution.

Act of 1832 amen-
ded.

Sec. 5. Be it further enacted, That the act of 1832, incorporating the Jefferson Academy, be so amended as to authorise and empower the present trustees to appoint four other trustees, to have equal power with themselves; and that the board of trustees, from and after the passage of this act, shall consist of ten, and they, or a majority of them, shall have full power to fill any vacancy that may hereafter occur, by death or resignation.

Sec. 6. Be it further enacted, That all acts or parts of acts, inconsistent with the true intent and meaning of this act, be, and the same are hereby repealed.

Passed 10th February, 1838.—Approved 11th Feb. 1838.

No. 51.—AN ACT to provide for the erection of a Court House and Jail in the counties of Franklin and Calhoun.

County Courts
may assess tax.

Section 1. Be it enacted by the Governor and Legislative Council of the Territory of Florida, That the County Courts of said counties, may assess a tax for the year 1838, equal to the Territorial tax, to be exclusively used in the erection of Jails and Court Houses.

Passed February 10, 1838.—Approved 11th Feb. 1838.

No. 52. AN ACT to incorporate the Florida Steam Packet Association.

Section 1. Be it enacted by the Governor and Legislative Council of the Territory of Florida, That John G. Gamble, John Parkhill, Samuel Parkhill, Robert Lyon, William P. Craig, William H. Kimbrough, E. J. Wood, G. K. Walker, William R. Daffin, John D. Gray, Ben. Chaires, and J. Day-
Incorporation.
 ton Wilson, and such other persons as may be hereafter associated with them, shall be, and are hereby, constituted and declared to be a body politic and corporate, by the name and style of
Name.
 "The Florida Steam Packet Association," and by that name they and their successors and assigns shall be capable in law of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever, and shall have power to
Rights and privileges.
 make and use a common seal, and the same at pleasure to alter and amend, and they and their successors, by the same name and style, shall be capable of purchasing, holding, and conveying, any property, real or personal, necessary or expedient to the object of said corporation.

Sec. 2. Be it further enacted, That the capital stock of said corporation, shall be thirty five thousand dollars, with the privilege of increasing it to two hundred and fifty thousand dollars, divided into shares of one hundred dollars each, transferable in such manner as the said corporation by their laws shall direct.
Capital Stock.

Sec. 3. Be it further enacted, That for the management of said corporation, there shall be chosen by the stockholders, five Directors, one of whom shall be chosen or elected President, each share shall have one vote, and the president and directors shall have power to appoint such officers under them, as they may deem necessary to carry on the concerns of the company, to prescribe their duties, and to dismiss them at their pleasure.
Corporation how managed.

Sec. 4. Be it further enacted, That the Directors of the said company shall be chosen for one year, and that in case it should happen that an election of directors should not be made on the day, when pursuant to this act it ought to be made, the said corporation shall not for that cause be dissolved, but such election may be held at any other time, and the directors for the time being shall continue to hold their offices until new ones shall have been chosen in their places; a majority of said directors shall be competent to transact all business of said corporation.
Of Directors

Sec. 5. Be it further enacted, That the said company shall have liberty to transport passengers, produce, goods, and mer-

Company may
transport goods.

chandize of every description, to and from New Orleans and the intermediate ports, to St. Marks, and from the St. Marys via St. Johns rivers, or to such port or ports as may be designated by the said directors, and the boats of said association shall not be compelled to take a pilot at any port in this Territory, unless the Captain may think proper to do so.

Affairs of Com-
pany to be set-
tled once a year.

Sec. 6. Be it further enacted, That the directors of said company shall settle the books and accounts of said corporation at least once a year, and submit a detailed statement of the transactions and affairs thereof to the stock holders at their annual meeting, and declare such dividend of the actual profits thereof, as the condition of said company may justify, and the stockholders shall have power to make such by-laws for the government of said company as they may deem proper, and not inconsistent with this charter, or the laws of the Territory of Florida.

Sec. 7. Be it further enacted, That this act shall be in force for fifty years, and no longer.

Passed 10th, Feb. 1838.—Approved 11th, Feb. 1838.

No. 53. AN ACT to repeal An Act to incorporate the Stockholders of the Union Bank of Florida so far as it relates to the establishment of a Branch in Marianna.

Section revived.

Section 1. Be it enacted by the Governor and Legislative Council of the Territory of Florida, That the thirty second section of the original charter of the Union Bank, be, and the same is hereby revived so far as it relates to the establishment of a Branch of said bank in the Town of Marianna, and that the directors of said bank be, and they are hereby required within six months after the passage of this act, to establish a branch of said bank in the Town of Marianna: *provided*, the stockholders in Jackson County petition for the same on or before the first day of May next.

Sec. 2. Be it further enacted, That all laws so far as they conflict with the provisions of this act, be, and the same are hereby repealed.

Passed 10th, Feb. 1838.—Approved 11th, Feb. 1838.

No. 54.—AN ACT to incorporate the Dade Institute of Florida.

Preamble.

Section 1. The honoring of the dead, and educating of the living, being the dearest and most sacred duty of freemen, therefore, Be it enacted by the Governor and Legislative Council of

Florida, That the following persons, and their successors in office, be, and they are hereby declared to be, and constituted a body politic and corporate, by the name and style of the Trustees of the "Dade Institute of Florida," and as such shall be capable and liable, both in law and equity, to sue and be sued, to plead and be impleaded, and shall have power and authority to make all by-laws and regulations, which may be necessary for the organization and government of said Institute, provided such by-laws and regulations, be not repugnant to the laws of this Territory, and to the laws and Constitution of the United States, viz:

Incorporation.

Name.

The Governor of Florida, for the time being.

The President of the Legislative Council, for the time being.

The Judges of the Court of Appeals.

Twelve Trustees to be appointed every five years, by the Legislative Council and Members of the Council.

Twelve Trustees to be appointed every five years, by the President of the Institute.

The Generals of the U. S. Army, while in commission.

The Generals of Florida, while in commission.

The Generals who served, or who may serve, in the present Seminole War, of the different States, during their natural lives.

The President of the Institute.

The Delegate in Congress.

Sec. 2. Be it further enacted, That the Trustees and their successors in office, hereby incorporated under the name of the Trustees of the Dade Institute of Florida, shall and may have and use a common corporate seal, and the same may alter and destroy or resume at their pleasure. They shall also have power and authority to appoint such professors, [the President of the Institute only excepted,] and teacher, and other officers as they may deem expedient; and also to confer and bestow annually, or otherwise, such diplomas or testimonials of Scholarship in the arts and sciences, as the student in said Institute, and the graduates of other Institutions, may merit and deserve.

Rights and privileges.

Sec. 3. Be it further enacted, That the Trustees shall be, and the same are hereby made able and capable of accepting, holding, and being invested with all manner of property, real, personal or mixed, all donations, gifts, grants, privileges, and immunities whatever, which may belong to the said Institute, at any time, or which may be conveyed to the said Trustees, or their successors in office, and to hold the same free and exempt from all and every kind of taxation, whether corporation, county or Territory, for the proper use, benefit and behoof of said Institute; and the trustees aforesaid, shall be capable of purcha-

May receive donations for the institution.

sing, holding, selling and conveying any property, real, personal, or mixed, necessary or expedient to the object, and for the benefit of the said Institute.

Trustees. Sec. 4. Be it further enacted, That the following members of the Legislative Council, be trustees of the Dade Institute of Florida, for five years, viz: E. Drake, W. J. Mills, J. D. Hart, D. L. Kenan, W. Wyatt, T. Brown, T. Livingston, R. Fitzpatrick, Thos. Douglas, J. S. Bell, A. S. Dozier, E. E. Blackburn.

Sec. 5. Be it further enacted, That the following persons be trustees of the Dade Institute of Florida, for five years, appointed by the president of said institute, viz: J. Morton, R. Mays, R. J. Hackley, A. Bellamy, J. Parish, J. Scott, W. Baily, J. Warren, J. Cooper, A. A. Fisher, R. Gamble, sen. A. Steele.

Annual meeting. Sec. 6. Be it further enacted, That there shall be at least one annual meeting of the said Trustees, for the purpose of transacting the business of the said Institute, at such places as the trustees may appoint, at which meeting, a majority of the trustees shall be a quorum for the transaction of all business of the corporation, but if it should, at any time, happen, that such annual meeting should not be held, the said corporation shall not, for that cause, be deemed to be dissolved, but it shall and may be lawful, on any other day, to hold such meeting in such manner as shall have been designated, by the by-laws and ordinances of said corporation; and in case of any vacancy or vacancies, occurring in the board of trustees, by death, resignation or otherwise, it shall, and may be lawful, and the remaining trustees, or a majority of them, are hereby authorised to fill such vacancy or vacancies, in such manner as shall be pointed out, by the by-laws and regulations of the board of trustees aforesaid.

Trustees may fill vacancies.

President may be removed. Sec. 7. Be it further enacted, That J. A. L. Norman, be, and he is hereby constituted and appointed President of the Dade Institute of Florida, for the term of his natural life, in consequence of his zeal and perseverance in the prosecution of this matter, by him instituted. Nevertheless be it provided, That for any malpractice or gross dereliction of duty, he shall be removable by a vote of two thirds of the Legislative Council of Florida, in manner and form of impeachment, in which case a president may be appointed by a majority of said trustees.

Salary. Sec. 8. Be it further enacted, That the compensation or salary of the president of the institution shall be at least equal to any professor or teacher, with any increase or perquisite, that the trustees shall deem proper.

Sec. 9. Be it further enacted, That five members may constitute a meeting for the transacting of business.

Passed February 10, 1838.—Approved 11th Feb. 1838.

No. 55. AN ACT to authorize Augustus Pongand [Poujaud] and Francis Gue, the attorneys of F. J. Avico, to sell and convey certain property in lands for the benefit of the children of said Francis J. Avico.

Section 1. Be it enacted by the Governor and Legislative Council of the Territory of Florida, That Francis Gue and Augustus Pongand, [Poujaud] the attorneys in fact of Francis J. Avico, be, and they are hereby authorized to sell and convey for the benefit of the children of said Francis J. Avico, according to their respective interest in the same, certain lands in the Territory of Florida, according to the terms and conditions set forth in a deed of conveyance from the said Francis J. Avico and his wife to Francis L. Daney and James Black, which deed is the only one between the parties, and is of record in the County of St. Johns, and District of East Florida, which said deed when so executed, shall be, and the same is hereby declared to be of the same validity as if executed and made under and by the authority of the Superior Court for said County and District. May sell lands.

Sec. 2. Be it further enacted, That said Francis Gue, and Augustus Pongand [Poujaud] shall, before signing a deed for the above mentioned purpose, file with the Judge of the County Court of said County a bond, with sufficient security for the appropriation of the price of said land to the benefit of said infant children, according to their respective interest. Shall give bond.

Passed 10th, Feb. 1838.—Approved 11th, Feb. 1838.

No. 56. AN ACT to suppress the issuing or circulating of Change Bills, and for other purposes.

Section 1. Be it enacted by the the Governor and Legislative Council of the Territory of Florida, That from and after the passage of this act it shall not be lawful for any person or company, to issue any Change Bill or note of any amount below the denomination of one dollar, under the penalty of one hundred dollars for each and every violation of the true intent and meaning of this act. Change bills.

Sec. 2. Be it further enacted, That none other than resident citizens of this Territory shall be elected a director of any bank of the Territory. Bank Directors.

Sec. 3. Be it further enacted, That in case of the insolvency of any bank, or forfeiture of its charter, no stockholder shall receive any share or dividend of the capital stock or assets of such banks, until all its creditors shall have been fully paid and satisfied. Creditor of banks to be first paid.

Passed 11th, Feb. 1838.—Approved 11th, Feb. 1838.

No. 57. AN ACT for the relief of J. J. Sands.

Compensation.

Section 1. Be it enacted by the Governor and Legislative Council of the Territory of Florida, That the Treasurer pay to John J. Sands the sum of seventy-seven dollars and sixty three cents as a full compensation for his services in guarding John W. Davis, indicted for murder.

Passed 11th, Feb. 1838.—Approved 11th, Feb. 1838.

No. 58, AN ACT to incorporate the city of Key West.

Limits of incorporation.

Section 1. Be it enacted by the Governor and Legislative Council of the Territory of Florida, That all the white inhabitants of that part of the Island of Key West, comprehended within the limits of the city of Key West, as designated by the plan or map of said city, now on file in the clerk's office in the County of Monroe, (excepting that part at present, or that may hereafter be occupied by the United States for military or naval purposes) be, and the same are hereby, constituted a body corporate, by the name and style of the City of Key West: and by said corporate name may sue and be sued, plead and be impleaded, grant and receive donations, purchase and hold real, mixed, and personal property, and dispose of the same for the benefit of said city: and do all the acts, possess all the rights, liberties, and privileges, that a corporation, body politic, or natural person, may do, or possess; and may have and use a corporate seal, which may be altered at pleasure.

Government.

Sec. 2. Be it further enacted, That the government of said city shall be vested in a Common Council, consisting of a Mayor and four Aldermen, and such other necessary officers as the said mayor and aldermen may appoint.

Who may vote at election.

Sec. 3. Be it further enacted, That the annual election for mayor and aldermen shall be held on the first Monday of December of each year, at such places as the common council may appoint, and the votes shall be given by ballot. All free white male citizens of the United States, who are over twenty-one years of age, who shall have resided within the limits of said city three months next preceding the day of election, and who shall have paid all legal taxes that may have been demanded of them, shall have a right to vote at elections for mayor and aldermen authorised by this act.

Sec. 4. Be it further enacted, That it shall be the duty of the mayor of said city, to order an election for mayor aldermen, and appoint judges therefor, at least five days previous to the

day designated for the annual election; and if the mayor shall neglect to order and advertise said election, it shall be the duty of the clerk of the common council to do so; and in case of the neglect of the clerk, or should there be no clerk, it shall be lawful for the citizens of said city, who may be qualified to vote for members of the said common council, to assemble at any convenient place in said city, appoint judges of the election, and then proceed to elect a mayor and four aldermen. The mayor and aldermen so elected, shall immediately enter upon the discharge of their official duties. If from a refusal to serve by any member elect, or by the occurrence of an equality of votes given, or other causes, the mayor and aldermen, or either of them do not enter upon the duties of their office, the corporation for that cause shall not become void, but another election shall take place within five days thereafter, until which election, if the new council cannot be organized, the preceding mayor and aldermen shall continue in office till others are elected and qualified to fill their places. And it is hereby made the duty of all judges of election acting under this charter, to make returns in writing of the result of elections, to be deposited and recorded in the archives of the corporation.

Election shall be advertised.

New election may be held.

Sec. 5. Be it further enacted, That the meetings of the said common council shall be public, and be held at such places, and at such times, as the majority of the council shall think proper. The mayor and at least two aldermen, shall constitute a quorum for the transaction of business. In case of the absence or inability of the mayor, the aldermen shall appoint one of their own number as president of the council, who during said absence or inability, shall exercise all the power and authority conferred on the mayor by this act.

Meetings of council.

Sec. 6. Be it further enacted, That on the death, resignation, or removal from the city, of any member, or in case of the absence of any member from the meetings of the council for more than two months without leave, it shall be the duty of the mayor or president of the council to order an election to fill such vacancies, within five days, in the manner prescribed in the fourth section.

Vacancies.

Sec. 7. Be it further enacted. That it shall be the duty of the mayor of said city, to see that the ordinances of the council are faithfully executed—to recommend for appointment all necessary city officers, and to recommend their removal, whenever by neglect or misconduct the interest of the city may require it. He shall preside at all meetings of the council, and be entitled to the casting vote—he shall recommend such measures as he may think important to the public interest—he shall have power to convene the council at extra sessions—shall be judge of

Duty of Mayor.

the inspections of the city ordinances, and adjudge fines and penalties for the same.

Powers of the
council.

Sec. 8. Be it further enacted, That the common council of said city shall have power and authority to prevent and remove nuisances; to regulate and establish streets, squares, and fences in said city; to establish and regulate markets, and provide for the safe keeping of standard weights and measures; to provide safe storage of gun-powder, and to encourage efficient fire companies; to regulate and fix the assize of bread; to prohibit all sorts of gambling; to license, tax or restrain billiard tables, nine or ten pin alleys, and other public games, shows, or amusements; to license, tax, or restrain keepers of bars, grog shops, and retailers of spirituous liquors; tax hawkers, pedlars, and transient traders, retailers of dry goods, commission merchants, and auctioneers; to appoint and license weighers, guagers, and measures; to appoint and regulate patrols, and to punish or remove vagrants; to establish quarantine regulations for the preservation of the health of said city (not incompatible with the laws of the Territory); to tax pleasure carriages, and carts and drays; to tax slaves resident in said city; to tax sales at auction, not exceeding one per cent. on the amount thereof; to tax real estate, not exceeding one-fourth of one per cent, on the cash valuation thereof, to be estimated by appraisers under oath; to assess and collect a poll tax, not exceeding one dollar on every white male over twenty-one years of age, and not exceeding two dollars on every free coloured male over twenty-one years, resident in said city; to tax, restrain, or destroy all dogs, hogs, or goats roaming at large in said city. The said council shall have power to pass all ordinance and laws necessary and proper to carry the powers and provisions of this act into effect, and to provide for the internal police, peace, and good order of said city; to establish by-laws for the proper transaction of business, and to compel the attendance of members. It shall have and exercise a general control over the public cements and burying grounds, used by the inhabitants of said city.

Taxes how col-
lected.

Sec. 9. Be it further enacted, That all taxes shall be assessed annually for the said city, and taxes once assessed shall be considered as a debt due said city, and may be collected as such at any time within five years. It shall be the duty of the common council at least once a year, to publish an account current, showing the whole amount of taxes collected, and the whole amount of expenditures for the year preceding.

Ordinances to be
published.

Sec. 10. Be it further enacted, That all laws and ordinances of the said common council shall be signed by the mayor and clerk, and published in a newspaper, or posted up at three

public places in the city, at least three days before they shall be enforced.

Sec. 11. And be it further enacted, That the mayor and aldermen of the said city of Key West, shall have no power to fill up any street, or build or repair any bridge across that part of the city, known as the Pond, except such public bridges as are now erected, until the proprietors of the lots adjoining the streets across the said pond, shall have first filled up the said lots; nor shall the proprietors of the said lots fill up the pond in any manner whatever, so as to obstruct the ingress or egress of tide water to and from the head of the said pond. Bridges, streets, etc.

Sec. 12. Be it further enacted, That all acts and parts of acts inconsistent with the provisions of this act, be and the same are hereby repealed.

Passed 11th February, 1838.—Approved 11th Feb. 1838.

No. 59.—AN ACT to amend An Act incorporating the East and South Florida Canal Company.

WHEREAS, owing to the existence of the Indian War which is now raging in the Southern portion of the Territory of Florida, it is doubtful whether all the capital stock of the East and South Florida Canal Company, will be subscribed for, by the first day of May next, when, by the provisions of the books of subscription to said capital stock, are required to be closed. Preamble.

Section 1. Be it enacted by the Governor and Legislative Council of the Territory of Florida, That if all the capital stock of the said company shall not have been subscribed for, on the said first day of May next, the said books may be kept open for the period of one year thereafter, unless the whole of the said capital stock shall be sooner subscribed; but whenever the whole of the said capital stock be subscribed upon the books aforesaid, it shall be the duty of the commissioners to close them, and then the same proceedings shall take place, as are required by the said third section of the said charter, to be adopted at the closing of the said books in May next. Time extended for subscription to stock.

Sec. 2. Be it further enacted, That the books of the St. Augustine and Picolata Rail Road Company, be continued open until the first of May 1839.

Passed 11th February 1838.—Approved 11th Feb. 1838.

No. 60.—AN ACT to incorporate the Pensacola City Company:

Preamble.

WHEREAS, William H. Chase; Walter Gregory, John A. Cameron, Thomas M. Blount, Charles A. Davis, Morris Robinson, Sampson V. S. Wilder, Thomas Biddle, Elihu Chauncey, Samuel Jaudon, James H. Leverich, William A. Booth, James D. Graham, Jackson Morton, Henry Hyer, and Charles Le Baron, by articles of association, bearing date the thirteenth day of January, in the year one thousand eight hundred and thirty-seven, associated themselves into a Joint Stock Company, for the purchase, holding, and sale of certain real estate in this Territory, which articles are recorded in the Clerk's office of Escambia county: And whereas, on the same day said real estate was conveyed in trust for the use and benefit of said associates, as in the trust deed, bearing date the same year aforesaid, and recorded as aforesaid, to William H. Chase, Morris Robinson, and Charles A. Davis, Trustees, as specified therein, as by reference to said record will more fully and at large appear.—Now, for the confirmation of said articles and deed, and that said parties may be better enabled to carry the provisions and covenants therein, more fully into effect,

Incorporation.

Section 1. Be it enacted by the Governor and Legislative Council of the Territory of Florida, That said parties above named, their associates, assignees, and successors, be, and the same are hereby constituted and appointed, in fact and in law, a body corporate, by the name and style of "The Pensacola City Company," and by that name, they and their associates, successors and assigns, shall have continued succession, and shall be capable and liable, at law and in equity, to sue and be sued, plead and be impleaded, of answering and being answered unto, defending and being defended against, in all courts and places whatsoever; and shall have power to make a common seal, and the same to alter at pleasure, and to make by-laws for the government of said company, not contrary to the laws of this Territory, or of the United States; and by the name and style aforesaid, shall be capable of contracting and being contracted with, receiving, purchasing, holding, possessing, using, selling, granting and conveying all the property and estate, real or personal, now held by said parties under said articles, or said deed of trust, or which they may hereafter acquire, expedient and useful to the full exercise and enjoyment of the objects of said company; and of leasing, hypothecating, pledging, or mortgaging the same or any part thereof; and generally under the corporate name and style aforesaid, to do and perform

Rights and privileges.

all acts and things as fully to all intents and purposes as said parties composing said association, or said trustees, could do individually without this act; and said trustees, in said deed named, and their successors, shall have full power to act and do, as in said trust deed is provided, and the acts and doings of said association, and of said trustees, under and in conformity to said articles and deed, as well heretofore as hereafter, and also said articles and deed are hereby ratified and confirmed.

Sec. 2. Be it further enacted, That this act shall continue in force for the term of ten years from its passage; and no longer; Provided, That before this law takes effect, the said incorporations shall pay into the Territorial Treasury, all the taxes due the Territory for auction sales of the new town of Pensacola.

Passed February 11th, 1838.—Approved 11th Feb. 1838.

No. 61.—AN ACT to amend An Act entitled, An Act to incorporate the Southern College at St. Augustine, approved February 11th, 1837.

Section 1. Be it enacted by the Governor and Legislative Council of the Territory of Florida, That if at any time hereafter, any trustee of said College, shall cease to be a resident of the Territory of Florida, his situation as such trustee shall be considered vacant.

Sec. 2. Be it further enacted, That no person shall be eligible to the office of trustee as aforesaid, who shall not be, at the time of his election, a citizen of the United States, a resident of said Territory, and who shall not have resided therein at least six months next preceding the day of election.

Sec. 3. Be it further enacted, That all appointments or elections of president or professors of said college, shall be made at a stated meeting of said board of trustees, or at a meeting specially called for that purpose, of which latter meeting and the object thereof, ten days notice at least shall be given.

Sec. 4. Be it further enacted, That so much of the act to which this is an amendment, as provides that the lands acquired by said trustees, shall be sold within five years from the date of their acquisition, if not wanted for the necessary purposes of said college, and other parts of said act, inconsistent with the provisions of this act, be and the same are hereby repealed.

Passed 11th February, 1838.—Approved 11th Feb. 1838.

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PREAMBLE AND RESOLUTION, No. 1.

WHEREAS, the County of Alachua, has been for the last two years, deprived of the advantages of the mail, either from the East, North, or West, and no letters or papers received by the citizens, except by private conveyance.

Be it therefore resolved by the Governor and Legislative Council of the Territory of Florida, That the Delegate in Congress, be, and he is hereby respectfully requested to enquire into the causes of the failure of the contractor to deliver the mail at the different post offices in said county, and to urge a compliance with the contract.

Be it further resolved, That a copy of the foregoing Preamble and Resolution, be signed by the President and Chief Clerk, and forthwith transmitted to the Honorable Charles Downing.

Passed January 8th, 1838.—Approved Jan. 15, 1838.

PREAMBLE AND RESOLUTION, No. 2.

WHEREAS, the navigation of the Suwannee and Santa Fe rivers are considerations of great importance to the counties of Alachua, Columbia, Madison and Hamilton, from the great bodies of fertile land bordering the said rivers and the adjacent country; the shipment of the produce from which districts must naturally pass through said channels. And it being moreover of great importance to the government of the United States, that the navigation of said streams be improved to enable the steamboats now employed in transporting supplies for the army, to ascend at all times without difficulty.

Be it therefore resolved by the Governor and Legislative Council of the Territory of Florida, That the Delegate in Congress, be respectfully requested to endeavor to procure an appropriation of thirty thousand dollars, for the purpose of removing the obstructions to the navigation of the Suwannee and Santa Fe rivers.

Be it further resolved, That a copy of the foregoing Preamble and Resolution be certified to by the President and Chief Clerk of this House, and forwarded to the Honorable Charles Downing.

Passed January 15, 1838.—Approved 26th Jan. 1838.

PREAMBLE AND RESOLUTION, No. 3.

WHEREAS, The citizens of Alachua, Columbia, Hamilton and Madison counties, are deeply interested in the speedy navigation of Suwannee and its tributary streams, and there having been a memorial from this House already, soliciting an appropriation for the improvement of Suwannee and Santa Fe rivers, and whereas this object of navigating said rivers, cannot be advantageously accomplished without a port of entry at or near the mouth of Suwannee:

Be it resolved, therefore, by the Legislative Council of the Territory of Florida, That the Committee on the State of the Territory, be instructed to enquire into the expediency of memorializing Congress for the establishing a Custom House at or near the mouth of Suwannee.

Passed January 18, 1837.

PREAMBLE AND RESOLUTION No. 4.

WHEREAS, The trade between the towns of Apalachicola and St. Joseph and the commercial Cities of the Union, has increased to an extent calling for the notice and protection of the General Government, and whereas, all vessels bound to and from those ports, as well as those employed in the coasting trade between New Orleans and St. Marks, are necessarily exposed to the dangerous navigation around Cape St. Blas—which is regarded by Mariners as the Hatteras of the Gulf, its shoals projecting from eight or ten miles to sea, and which in many instances, has proved dangerous to human life, and destructive to property: And whereas, a Light House erected on the most eligible point on said Cape, would be eminently useful to all vessels bound in to Apalachicola and St. Joseph, or employed in the coasting trade,

Be it therefore resolved by the Governor and Legislative Council of the Territory of Florida, That our Delegate in Congress be requested to urge upon that body the necessity and utility of erecting on Cape St. Blas a suitable Light House, and that this resolution, properly authenticated, be forthwith transmitted to the Delegate in Congress.

Passed Jan. 23d. 1838.—Approved 26th, Jan. 1838.

RESOLUTION No. 5.

RESOLVED, by the Governor and Legislative Council of the Territory of Florida, That the Hon. Charles Downing be re-

quested to introduce a Resolution in Congress to extend the Franking privilege to the Governor and Secretary of the Territory of Florida.

Adopted Jan. 26th, 1838.—Approved 30th, Jan. 1838.

PREAMBLE AND RESOLUTION No. 6.

WHEREAS, the recent depredations of the Seminole Indians on the frontier of Jefferson County, loudly calls for assistance from some quarter, the system of drafting has been pursued until the patience of our citizens has been exhausted, they have been dragged from their homes until many of them have become destitute of subsistence for their families, and unless some protection is given them, they will be compelled (however unwilling) to abandon their homes and remove from the country. It is believed that one full company of dragoons will entirely prevent the inroads of the Seminole on the frontier of this part of Middle Florida, and enable the inhabitants to remain at home and cultivate their farms for the present year: Therefore,

Be it resolved by the Governor and Legislative Council of the Territory of Florida, That the President of the United States be requested to order the Secretary of War to station one full company of mounted dragoons, armed with rifles, on the frontier of Jefferson County, and that they remain on that frontier until the Indians are entirely removed, for the protection of Middle Florida.

Resolved, That a copy of this Preamble and Resolution be signed by the President and Chief Clerk of this Council, and forthwith transmitted to the Hon. Charles Downing, and that he be requested to urge and procure the station of said company by the War Department.

Adopted 26th, Jan. 1838.—Approved 30 Jan. 1838.

RESOLUTION, No. 7.

Be it resolved by the Governor and Legislative Council of the Territory of Florida, That our Delegate in Congress be, and he is hereby requested to use his best exertions to have a mail route established from Monticello, Jefferson county, passing through the northern settlement of Madison county, and

directly through Hamilton county, to the Gadsden Spring, on Suwannee river.

Be it further resolved, That the President and Chief Clerk, sign this Resolution, and transmit the same forthwith to the Hon. Charles Downing, our Delegate in Congress.

Adopted January 26th, 1838.—Approved January 30, 1838.

PREAMBLE AND RESOLUTION No. 8.

WHEREAS, it is important in all new countries where the population (as in Florida) is rapidly increasing, and especially under a republican government, which is based and relies for its stability upon the general intelligence and virtue of the people, the source whence all political power emanates, to provide as early as possible, and in the most ample manner which the circumstances of the community will permit, for the education of the rising generation: And whereas, Florida is almost entirely destitute of the necessary means for that purpose on the account of the sterility of a considerable portion of the sixteenth sections, which have been reserved for the support of Schools, and in consequence of a large portion of the country having been granted to private individuals by the British and Spanish Governments, before its transfer to the United States, without any reservation of school lands: And whereas, also owing to the great extent and conformation of our sea coast, the number of islands adjacent thereto, and the numerous large rivers and lakes with which the interior of the county abounds, there are, and necessarily must be, a great many fractional townships in this Territory, containing less than sixteen sections each, none of which have any school lands.

It is therefore Resolved by the Governor and Legislative Council of the Territory of Florida, That our Delegate in Congress be requested to use his exertions to procure the enactment of a law, authorizing the selection, in such manner as the Governor and Legislative Council shall direct, other lands in place of such sixteenth sections, as shall prove to be of little or no value on account of the sterility of their soil, or other cause, and also the selection and location of a quantity of lands equal to one thirty sixth part of all the lands which may have been granted out as aforesaid by the British or Spanish Governments, and of the said fractional townships, and authorizing the sale of said lands, and of all other lands appropriated for the support of

common schools in this Territory, in such manner, and upon such terms, conditions and provisions as are prescribed to the State of Ohio, in An Act entitled An Act to authorize the Legislature of the State of Ohio to sell the lands heretofore appropriated for the use of schools in said state, approved 1st February 1826.

And it is further Resolved, That a copy of the foregoing Preamble and Resolution be signed by the President and Chief Clerk of this Legislative Council, and transmitted forthwith to the Hon. Charles Downing, our Delegate in Congress.

Adopted 30th, Jan. 1838.—Approved 2d, Feb. 1838.

PREAMBLE AND RESOLUTION, No. 9.

WHEREAS, the Congress of the United States, by the seventeenth section of an act entitled, "An act establishing the Territorial Government of Wisconsin, approved 20th April, 1836," appropriated the sum of five thousand dollars, to be expended under the direction of the Legislative Assembly of said Territory, in the purchase of a Library for the accommodation of said Assembly, and of the Supreme Court established by said act: And whereas, every Territory of the United States has equal claims upon their justice and liberality: And whereas the same reasons exist here, as prompted to that appropriation.

Therefore, Resolved by the Governor and Legislative Council of the Territory of Florida, That our Delegate in Congress be requested to ask of Congress a similar appropriation to be expended by and under the direction of the Governor and Legislative Council of the Territory last aforesaid, in the purchase of a Library, for the accommodation of said Council, and of the Court of Appeals of the said Territory of Florida.

Resolved further, That a copy of the foregoing Preamble and Resolution be forwarded to the Honorable Charles Downing, Delegate in Congress from this Territory, by his Excellency the Governor, with a request that he give it immediate attention.

Adopted January 30, 1838.—Approved 2d Feb. 1838.

RESOLUTION, No. 10.

Resolved, by the Governor and Legislative Council of the Territory of Florida, That our Delegate in Congress be respectfully requested to use every effort to procure the passage of a law, giving to the counties of Columbia and Alachua, one

entire quarter section of land each, to be located in any of the unsold lands in said counties; the funds of which to be appropriated to the re-building of the Court Houses and Jails in said counties.

Be it further Resolved, That the President and Chief Clerk of this House, do sign these Resolutions, and that they be handed to the Governor for his approval, and transmitted with all possible despatch to the Hon. Charles Downing.

Adopted 31st January, 1838.—Approved 2d Feb. 1838.

PREAMBLE AND RESOLUTION No. 11.

WHEREAS, at the present time the Mail from Tallahassee to Jacksonville is only conveyed once in two weeks; and whereas, it is necessary and proper that there should be a quick and prompt communication between Tallahassee, the Seat Government of the Territory, and East Florida, the Seat of the Indian War;

Therefore, be it Resolved by the Governor and Legislative Council of the Territory of Florida, That our Delegate in Congress be requested to use his best endeavors to have a Semi weekly mail established from Tallahassee to Jacksonville.

Be it further Resolved, That this Resolution be signed by the President and Chief Clerk of this House, and his Excellency the Governor be requested to forward it forthwith to our Delegate in Congress.

Adopted 2d, Feb. 1838.—Approved 5th, Feb. 1838.

PREAMBLE AND RESOLUTION No. 12.

WHEREAS, the erection of a Marine Hospital at some point on the Gulf of Mexico, within the limits of Florida, is called for, by the claims which sick and distressed Mariners have upon the aid and sympathy of a humane and commercial people, And whereas, the ports of St. Marks, Apalachicola and St. Joseph, each of which annually export from thirty to forty thousand bales of cotton, and enjoy a lively commerce in other commodities, are destitute of the means of accommodation and relief due to the intrepid, but often times unfortunate sailor: And whereas, the citizens of St. Joseph, have made near said city, at a healthy and eligible site, a donation of land to a Marine Hospital for the accommodation of sailors, from that and the adjoining ports.

Be it therefore Resolved by the Governor and Legislative Council of the Territory of Florida, That the Delegate in Congress be requested to urge upon that body the necessity of an appropriation of money for the erection of a Marine Hospital at the City of St. Joseph, and that this Preamble and Resolution be forthwith forwarded to the Honorable Charles Downing.

Adopted 2d, Feb. 1838.—Approved 5th, Feb. 1838.

PREAMBLE AND RESOLUTION No. 13.

WHEREAS, from the Destitute and ruined situation of the County of Duval in consequence of the Indian War, which renders it altogether unable to raise money by taxation, and Whereas, the Court House having been taken at divers times by military companies, in the service of the United States and used as quarters, and from the causes aforesaid the said Court House has become so much mutilated and broken, that it is almost useless to the county.

Therefore, Be it resolved by the Governor and Legislative Council of the Territory of Florida, That our Delegate in Congress be requested to use his best endeavors to procure the passage of a law appropriating five thousand dollars for the repairs of the said Court House.

And be it further Resolved, That this Preamble and Resolution be signed by the President and Chief Clerk of this House and when approved by his Excellency the Governor, it be forwarded to the Honorable Charles Downing, our Delegate in Congress.

Adopted 5th, Feb. 1838.—Approved 8th, Feb. 1838.

RESOLUTION No. 14.

RESOLVED, by the Governor and Legislative Council of the Territory of Florida, That the Delegate in Congress from the Territory of Florida be requested to obtain if practicable, an appropriation of five thousand dollars, for the opening and putting in repair the road laid out by James Watson and others, from a point near the house of Peter W. Gautier senior, on St. Andrews Bay, to its intersection with the compass road, thence with that road to Dry Creek, near McQuaigs' Mill, thence to the nearest and best route to Webbville, in the county of Jackson.

RESOLVED, That these Resolutions after receiving the necessary attestation, be transmitted to our Delegate in Congress.

Adopted 5th, Feb. 1838.—Approved 8th, Feb. 1838.

PREAMBLE AND RESOLUTION No. 15.

WHEREAS, it has been usual in the United States Government, to confer brevet rank upon meritorious officers of the Army for distinguished bravery and good conduct in the presence of the enemy, and more particularly when that enemy has been beaten and routed by an inferior force; and whereas, the conferring of brevet has been continued during the Seminole War for similar services, and this Legislative Council, believing that the services of a gallant and most meritorious officer has for some cause been overlooked.

Be it, therefore Resolved, by the Governor and Legislative Council of the Territory of Florida, That they entertain the highest opinion of the meritorious services of Captain Daniel D. Tomkins of the 1st Regiment of Artillery in the service of the United States, for the gallantry and good conduct displayed by him in the different actions in which he has been engaged, during the present war, and particularly that of San Felasco, where he charged and beat the enemy with an inferior force.

Be it further Resolved, That the Governor be, and he is hereby requested to cause a copy of these Resolutions to be forwarded to the Hon. Charles Downing, our Delegate in Congress, with a request that he will lay them before the President of the United States, and that he will use his exertions to have the brevet rank of a Major in the United States Army conferred on Captain Tomkins.

Adopted 6th, Feb. 1838.—Approved 8th, Feb. 1838.

PREAMBLE AND RESOLUTION No. 16.

WHEREAS, the County Court of Jefferson County have by direct tax on its citizens raised the sum of about five thousand dollars for the building of a Court House in said County which amount has been expended, and the building has not been completed; the citizens of said county request an appropriation for its completion, and that the superior court of this Territory be entitled on all occasions to its use, free of tax, and charge: Provided such appropriation be made by Congress; Therefore

Be it Resolved, by the Governor and Legislative Council of the Territory of Florida, That our Delegate be requested to urge before Congress an appropriation of four thousand dollars for the purpose of completing the building of a Court House in Jefferson County.

Resolved, That a copy of the foregoing Preamble and Res-

olution be signed by the President and Chief Clerk, and transmitted to the Hon. Charles Downing.

Adopted 6th, Feb. 1838.—Approved 8th, Feb. 1838.

PREAMBLE AND RESOLUTION No. 17.

WHEREAS, the character and merits of Captain G. S. Drane, of the second Regiment of Artillery of the United States Army, entitle him to the esteem and notice of the people of this Territory, and to the consideration of his Government: And whereas, in the opinion of this Legislative Council, his merits during the Seminole hostilities, have not received from his country that award which they have merited, and which has not been withheld from his fellow officers, therefore,

Be it Resolved by this Legislative Council, That the President of the United States be, and he is hereby, most respectfully solicited and recommended to confer upon the said Captain G. S. Drane a brevet promotion for his services in Florida, and

Be it further Resolved, That a copy of this Preamble and Resolution, be forwarded to the President of the United States, and another copy to the Delegate in Congress.

Adopted 7th, Feb. 1838.

RESOLUTION No. 18.

Resolved by the Legislative Council of the Territory of Florida, That his Excellency the Governor be, and he is hereby, authorized to cause to be deposited at Fort White, on the Santa Fee River, Fort Palmetto on the Suwannee River, and at such point in West Florida as may be accessible for the inhabitants of Walton and Washington, such provisions as will afford some relief to the suffering inhabitants in those districts: The supplies so furnished, to be placed under the charge of commissioners to be appointed by the Governor, and who will be instructed to distribute the same to those inhabitants who are destitute of provisions, or of the means of transportation from points where they may be purchased.

Adopted Feb. 9, 1838.

PREAMBLE AND RESOLUTION No. 19.

WHEREAS, The appropriation heretofore made by the Congress of the United States for the repair of Fort Marion and the sea wall at St. Augustine, proves insufficient for the purpose; and whereas, it is of the utmost importance that a further appropriation should be obtained for the completion of this work:

Be it therefore resolved by the Governor and Legislative Council of the Territory of Florida, That the Delegate in Congress from this Territory be, and he is hereby requested to use his best exertion to obtain a further appropriation during the present session of the Congress of the United States, for the continuance of the above mentioned work.

Be it further Resolved, That a copy of these Resolutions be immediately forwarded to the Delegate.

Passed 10th February, 1838.—Approved 11th Feb. 1838.

RESOLUTION, No. 20.

Resolved by the Governor and Legislative Council of the Territory of Florida, That Robert B. Copeland, Clerk in the Executive Office, be allowed the sum of eight hundred dollars per annum, in full compensation for his services in said office, and that the Territorial Treasurer shall pay the said amount on the Governor's warrant.

Adopted February 11th, 1833.—Approved 11th Feb. 1833.

PREAMBLE AND RESOLUTION, No. 21.

WHEREAS, J. A. L. Norman, has presented to the consideration of the Legislative Council of Florida, a petition praying from Congress, the grant of a township of land to Florida, in manner and form, therein more fully set forth, for the purpose of founding the "Dade Institute," of Florida, which from its great usefulness and moral beauty, the honoring of the dead, and the educating of the living, which living, have been made impoverished orphans by a savage foe, we think highly worthy the attention and patronage of Congress.

Be it therefore Resolved, by the Governor and Legislative Council of Florida, That our Delegate in Congress, be, and he is hereby respectfully requested, to endeavor to obtain a grant of a township of land, from Congress, to the Trustees of the "Dade Institute" of Florida, for the purposes aforesaid.

And be it further resolved, That the Governor of Florida, be, and he is hereby requested to transmit, to the Delegate in Congress, this Preamble and Resolution, with the said petition of J. A. L. Norman, and its accompanying papers as aforesaid.

Adopted Feb. 11, 1838.—Approved 11th Feb. 1838.

PREAMBLE AND RESOLUTION, No. 22.

WHEREAS, it appears by the correspondence between the Governor of this Territory and the Secretary of War, that a difference of opinion has taken place between those distinguished officers, relative to the payment of certain portions of the militia of the Territory, who have been called into the public service for the defence of the country during the existence of the present Indian War, which has led to great and very injurious delay in the payment of said militia greatly to be regretted, and which has made it necessary for this Legislative Council, at the present session, to provide for such payment: And whereas, in all such cases a difference of opinion will exist in the community, as which of such officers has been right or wrong in his opinion;

Therefore resolved by this Legislative Council, That while it disclaims any intention to decide that vexed and exciting question, it highly approves the zeal, perseverance and energy, which has characterized the conduct of the Governor, in pressing the claims of said militia upon the attention of the War Department, and believe that he has acted from pure and patriotic motives in so doing, and that such militia ought to be paid by the Government of the United States.

Resolved further, That our Delegate in Congress be requested to use his exertions to procure such payment to be made by said government.

Resolved further, That a copy of the foregoing resolutions be signed by the President and Chief Clerk of this Legislative Council and forwarded to said Delegate.

Adopted February 11th, 1838.

PREAMBLE AND RESOLUTION No. 23.

WHEREAS, Lieutenant Robert Myers, of the Franklin Volunteers, West Florida militia, has, by his gallant conduct in the field, rendered important service to the citizens of Florida, having been severely wounded while leading his company in a charge against the Indians, and his conduct having been approved in the highest terms by his commanding officers throughout the campaign; be it therefore,

Resolved, unanimously, by the Governor and Legislative Council of Florida, That the President of the United States, be requested to appoint Robert Myers, Lieutenant in any com-

pany of Dragoons that now or may hereafter be established, and that this Preamble and Resolution be forwarded by the proper officers of this House to the Hon. Charles Downing.

Adopted February 11, 1838.—Approved 11th Feb. 1838.

PREAMBLE AND RESOLUTION No. 24.

WHEREAS, the Alabama, Florida and Georgia Rail Road Company, has petitioned the Congress of the United States for a donation of land, to aid them in the prosecution of their work, now in the progress of construction; and whereas, the said Rail Road is a work of great national importance, and one deserving the munificence of the General Government,

Be it therefore Resolved by the Governor and Legislative Council of the Territory of Florida, That the Congress of the United States, be, and it is hereby requested to aid the said rail road company with a donation of land, according to the prayer of their petition.

Resolved, That our Delegate in Congress be, and he is hereby requested to use his exertions in procuring for the said company the said donation of land.

Resolved, That a copy hereof, be forwarded [to] the Hon. Charles Downing.

Adopted February 11, 1838.—Approved Feb. 11, 1838.

PREAMBLE AND RESOLUTION, No. 25.

WHEREAS, a direct intercommunication between the Capitol of the Territory and the counties on the Gulf of Mexico, whose commerce, population, and resources, would be increased and promoted thereby: and whereas the road contemplated would lessen the distance now travelled by one half, and afford facilities to the transportation of our mails, and to troops and munitions of war, when necessary:

Be it therefore resolved by the Governor and Legislative Council of the Territory of Florida, That the Delegate from Florida, be requested to ask of the Congress of the United States, an appropriation of ten thousand dollars for the opening and construction of a road from the city of Tallahassee, passing on the most eligible route through the county of Gadsden, to a point on the Apalachicola river, near the terminus of the St. Joseph and Iola Rail Road.

Be it further resolved, That this Preamble and Resolution be forwarded to the Honorable Charles Downing, Delegate in Congress.

Adopted Feb. 11th, 1838.—Approved 11th Feb. 1838.

RESOLUTION, No. 26.

Resolved, That the Delegate in Congress be requested to procure a re-appropriation of the unexpended balances of former appropriations by Congress, for the compilation of all the statutes of this Territory, and the acts of Congress relating thereto, to be subject to the order of the Executive of Florida, and a copy of this resolution be transmitted to said Delegate.

Resolved, That the Delegate in Congress be requested to procure an appropriation of the sum of five thousand dollars to pay the expense of the publication of the proposed Digest, by John P. Duval, esquire, of the Statutes of Florida, and Treaty of Cession, &c., as specified in his contract, now in force, and likewise up to, and including, the present session of the Council; said amount of five thousand dollars to be in full therefor, and a copy of this resolution be transmitted to said Delegate.

Resolved, That the Governor of Florida be authorised and directed to delay further proceedings on the bond of James D. Westcott, Jr. and others, upon the filing written assent to such delay by the other defendants, for the completion of the compilation of the laws of this Territory, till the next fall term of Leon Superior Court, and upon the aforesaid appropriation of five thousand dollars being made, to receive at any time before said term, said compilation, and cancel and discharge said bond, and also draw for and pay the balance due on the contract, if re-appropriated.

Adopted Feb. 11th, 1838.—Approved 11th Feb. 1838.

PREAMBLE AND RESOLUTION, No. 27.

WHEREAS, Pensacola has been established as a Naval Depot by the United States; and whereas, the bar at the mouth of the harbor has been examined by Captain William H. Chase, of the United States Engineers, and Commodore Alexander J. Dallas, of the United States Navy, both eminently qualified to form an opinion, and reported by them to be susceptible of being made capable of admitting vessels of war of the largest class, by the expenditure of an amount of money

insignificant in comparison to the advantages which will be derived by such improvement, as well to the Government of the United States, and the valuable commerce of the Gulf of Mexico, as to the said city of Pensacola.

Be it therefore resolved by the Governor and Legislative Council of the Territory of Florida, That our Delegate in Congress be, and he is hereby requested to use his best exertions to obtain an appropriation at the present session, to deepen said bar of Pensacola, as recommended by Captain William H. Chase and Commodore Alexander J. Dallas.

Resolved, That a copy hereof be forwarded to the Honorable Charles Downing.

Adopted 11th Feb. 1838.—Approved 11th Feb. 1838.

RESOLUTION No. 28.

Resolved by the Governor and Legislative Council of the Territory of Florida, That the Treasurer of the Territory be required to pay the account of John P. Duvall, Secretary of the Territory, for newspapers furnished the Council at its present session.

Adopted Feb. 11th, 1838.—Approved 11th Feb. 1838.

PREAMBLE AND RESOLUTION, No. 29.

WHEREAS, an adjourned meeting of the Southern Convention for the purpose of considering the subject of a direct trade to the South and Southwestern States from Europe, and elsewhere, will take place in April next, at the city of Augusta; and whereas, other matters may be discussed at said Convention, which are of great moment to this Territory; and whereas, it is highly desirable and important that the South and Southwestern States, together with this Territory, should be fully represented in said Convention.

Be it therefore Resolved by the Governor and Legislative Council of the Territory of Florida, That William H. Chase, James Gadsden, John G. Gamble, Richard Fitzpatrick, Richard H. Long, Thomas Douglass, John L. Doggett, Oliver O'Hara and Thomas Blount, be, and they are hereby, requested to serve as Delegates to the said Convention on behalf of this Territory.

Be it further Resolved, That it be hereby recommended to

the different counties and towns in this Territory to appoint associate Delegates to serve in said Convention.

Be it further Resolved, That the Governor be requested to notify the gentlemen named in the first resolution.

Adopted Feb. 11th, 1838.—Approved 11th Feb. 1838.

PREAMBLE AND RESOLUTION No. 30.

WHEREAS, the Buoys heretofore placed upon the bar at the entrance of the harbor of the city of St. Augustine have been carried away by successive storms; and whereas, the interest of commerce require that said buoys should be replaced; also that buoys should be placed on the bar at the entrance of the St. Johns river; and whereas, also, the same interests require the said harbor of St. Augustine should, if possible, be improved; therefore,

Resolved by the Governor and Legislative Council of the Territory of Florida, That our Delegate in Congress be requested to procure, if possible, an appropriation for the buoys aforesaid; and that he also endeavor to obtain an order from the proper department of the Government of the United States for a survey of said bar and harbor to be made, with a view to ascertain the expense of so improving the said bar and harbor as to admit vessels drawing at least twelve feet water at common tides.

Resolved, That a copy of the foregoing resolutions duly signed, be transmitted to said Delegate.

Adopted Feb. 11th, 1838.—Approved 11th Feb. 1838.

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